

# **Exhibit 16**

UNITED STATES SOUTHERN DISTRICT  
SOUTHERN DISTRICT OF NEW YORK

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GRAHAM CHASE ROBINSON,

Plaintiff,

-against-

Case No:  
1:19-cv-09156 (LTS) (KHP)

ROBERT DE NIRO and CANAL PRODUCTIONS, INC.,

Defendants.

-----X

DEPOSITION TAKEN VIA ZOOM

March 29, 2022  
10:00 a.m.

VIDEOTAPED DEPOSITION of THOMAS HARVEY, held  
at the above-mentioned time, before, PAIGE HAYDEN, a  
Court Reporter and Notary Public of the State of New  
York.

-----X

MAGNA LEGAL SERVICES  
(866) 624-6221  
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1 A P P E A R A N C E S:

2 MERINGOLO & ASSOCIATES, P.C.  
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4

5 BY: JOHN MERINGOLO, ESQ.

6  
7 SANFORD HEISLER SHARP, LLP  
Attorneys for Plaintiff  
1350 6th Avenue 31st floor  
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9 BY: ALEXANDRA HARWIN, ESQ.

10

11 TRAUB LIEBERMAN STRAUS & SHREWSBERRY, LLP  
Attorneys for Defendant  
12 Seven Skyline Drive  
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13

14 BY: GREGORY BENNETT, ESQ.

15

TARTER KRINSKY & DROGIN LLP  
16 Attorneys for Defendant  
1350 Broadway  
17 New York, New York 10018

18 BY: LAURENT DROGIN, ESQ.

19

20 ALSO PRESENT:

21 CHRIS DINYA, VIDEOGRAPHER, MAGNA LEGAL SERVICES

22 KATE MACMULLIN, SANFORD HEISLER SHARP, LLP

ANNIE SLOAN, SANFORD HEISLER SHARP, LLP

23 JEREMY HEISLER, SANFORD HEISLER SHARP, LLP

SIMON SCHAITKIN, SANFORD HEISLER SHARP, LLP

24

CHASE GRAHAM ROBINSON, PLAINTIFF

25 BRITTANY K. LAZZARO, TARTER KRINSKY & DROGIN LLP

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before this Court.

1

2           THE VIDEOGRAPHER: We are  
3 now on the record. This  
4 begins video number one in  
5 the deposition of Tom Harvey,  
6 in the matter of Graham Chase  
7 Robinson v Robert De Niro and  
8 Canal Productions, Inc.

9           Today is Tuesday, March  
10 29, 2022, and the time is  
11 10:03 a.m.

12           Counsel and all parties  
13 present will be noted on the  
14 stenographic record.

15           Will the court reporter  
16 please swear in the witness?

17

18

19

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21

22

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25

1

2 THOMAS HARVEY, the WITNESS  
3 herein, having been first  
4 duly sworn by a Notary Public  
5 of the State of New York, was  
6 examined and testified as  
7 follows:

8 EXAMINATION BY

9 MS. HARWIN:

10 Q. State your name for the  
11 record, please.

12 A. Thomas Harvey.

13 Q. State your address for the  
14 record, please.

15 A. 9 Pheasant Road, West Pound  
16 Ridge, New York 10576.

17 Q. Good morning, Mr. Harvey.  
18 Thank you for being here today.

19 I noted when you were  
20 speaking with the court reporter the  
21 sound was a little quiet. If you  
22 are able to turn up the volume or  
23 speak a little bit louder, we would  
24 appreciate it.

25 A. Sure.

1 T. HARVEY

2 Q. I know you have been with  
3 us for many depositions at this  
4 point and so the ground rules that I  
5 am going to go over with you I am  
6 sure are very familiar to you, but I  
7 will just briefly remind of you  
8 them.

9 As you know, I am going to  
10 ask you questions. Both my  
11 questions and your answers will be  
12 recorded by the court reporter. I  
13 ask you to please speak up and speak  
14 clearly so that the court reporter  
15 can take down everything that we  
16 say.

17 As you know, you must  
18 answer questions verbally because  
19 the court reporter can't record a  
20 shrug or a nod.

21 It is important that you  
22 wait until I finish my question  
23 before you start answering. Even if  
24 you know what I am getting at,  
25 please wait until the question is

1 T. HARVEY

2 complete so that we have a clear  
3 record.

4 If you don't understand my  
5 question for any reason, or do not  
6 understand any -- any usage included  
7 in my question, please don't answer  
8 the question. Ask for  
9 clarification. If you answer the  
10 question, it will be understood that  
11 you understood the question.

12 As you know, you are  
13 represented by counsel here. Your  
14 attorney will object from time to  
15 time, but unless you are instructed  
16 not to answer on the ground rules of  
17 privilege, you must answer my  
18 question.

19 Do you understand that?

20 A. Yes.

21 Q. Okay.

22 MR. DROGIN: Counsel,  
23 before you begin, can we all  
24 note our appearances for the  
25 record and can we just



1 T. HARVEY  
2 clarify which Federal  
3 Stipulations are in place? I  
4 was actually talking and I  
5 was on mute so you didn't  
6 hear me before.

7 MS. HARWIN: Why don't I  
8 finish going over these  
9 ground rules and then we can  
10 do that afterward. I  
11 understand that the  
12 videographer said that it  
13 would be noted on  
14 stenographic record. I  
15 believe that Paige has  
16 already noted all of the  
17 appearances. But let me just  
18 complete this and then we can  
19 identify any stipulations.

20 Q. So Mr. Harvey, if you  
21 provided an answer and remember any  
22 additional information later on in  
23 the course of your deposition, let  
24 me know. We will give you an  
25 opportunity to -- to supplement your

1 T. HARVEY

2 prior answer. If I use a term or  
3 abbreviation that you disagree with,  
4 please correct my usage, so we can  
5 make sure we have the same  
6 understanding of what the record  
7 means.

8 When I refer to Canal I am  
9 referring to Canal Productions, Inc.

10 Is there any instruction  
11 that I have provided so far that you  
12 don't understand or don't agree  
13 with?

14 A. No.

15 Q. This testimony is under  
16 oath just as if you were in a court  
17 of law. This testimony that you  
18 provide can be used as evidence in  
19 this case.

20 Do you understand that?

21 A. Yes.

22 Q. Okay.

23 Other than the computer on  
24 which you are doing the deposition  
25 today, do you have any other

1 T. HARVEY

2 electronic screens or communication  
3 devices with you in the room that  
4 you are in?

5 A. Yes.

6 Q. Okay.

7 You are not permitted to  
8 communicate with anyone while you  
9 are being examined at deposition.

10 Can you turn off any  
11 communication devices other than of  
12 course the computer that you are  
13 using while we are in the  
14 deposition?

15 A. No. I have a computer over  
16 here that is closed. I am leaving  
17 my phone on. I have a client, who  
18 is soon to be pronounced dead, Pauly  
19 Herman, who I actually am surprised  
20 he is not dead yet, but there is an  
21 issue with the living will, health  
22 care proxy, et cetera. I expect at  
23 some point today I will receive a  
24 call and will have to deal with  
25 that.

1 T. HARVEY

2 Q. Other than using your phone  
3 for receiving that other client  
4 call, can you confirm that you will  
5 not be using your phone at any time  
6 during your deposition?

7 A. Yes.

8 Q. Thank you.

9 Is there anyone in the room  
10 with you today?

11 A. No.

12 Q. Okay.

13 MS. HARWIN: So in terms  
14 of stipulations, as  
15 previously discussed, we  
16 stipulate that objections  
17 except as to form are  
18 preserved for trial.  
19 Objections to form must be  
20 made during the course of  
21 deposition. And objections  
22 on grounds of privilege,  
23 likewise, may be interposed  
24 during the course of the  
25 deposition.

1 T. HARVEY

2 Counsel, can you confirm  
3 agreement on the -- these  
4 points of stipulation?

5 MR. DROGIN: I agree with  
6 that. Do you want -- if you  
7 are going to ask the witness  
8 to sign the transcript, are  
9 you prepared to stipulate  
10 that he can do so in front of  
11 any Notary? I believe that  
12 is one of the stipulations.

13 MS. HARWIN: Yes. We can  
14 -- yes, if the witness elects  
15 to sign the transcript, that  
16 can be done in front of any  
17 Notary.

18 MR. DROGIN: And as I  
19 said, I think it is  
20 appropriate since there are a  
21 number of attorneys here,  
22 there are depositions here  
23 subject to really two  
24 different Notices. I think  
25 it is important certainly for

1 T. HARVEY  
2 objection purposes for us to  
3 note who -- who is  
4 representing who and in what  
5 capacity.

6 MS. HARWIN: That is  
7 fine.

8 So Madam Court Reporter  
9 will go ahead and identify  
10 representations for the  
11 record.

12 My name is Alexandra  
13 Harwin. I am from Sanford  
14 Heisler Sharp, and I am here  
15 on behalf of the Plaintiff,  
16 Graham Chase Robinson.

17 MR. HEISLER: Jeremy  
18 Heisler, Sanford Heisler  
19 Sharp, LLP, on behalf of the  
20 Plaintiff, Graham Chase  
21 Robinson.

22 MS. MACMULLIN: Kate  
23 MacMullin from Sanford  
24 Heisler, on behalf of  
25 Plaintiff Graham Chase

1 T. HARVEY

2 Robinson.

3 MS. SLOAN: Annie Sloan  
4 from Sanford Heisler Sharp  
5 for the Plaintiff, Graham  
6 Chase Robinson.

7 MR. SCHAITKIN: Simon  
8 Schaitkin from Sanford  
9 Heisler Sharp for the  
10 Plaintiff, Graham Chase  
11 Robinson.

12 MR. DROGIN: Laurent  
13 Drogin and Brittany Lazzaro  
14 for Canal Productions, who is  
15 being deposed here today  
16 pursuant to Federal Rule  
17 30(b)(6).

18 MR. BENNETT: Gregory  
19 Bennett on behalf of all  
20 Defendants, Traub, Leiberman,  
21 Straus & Shrewsberry.

22 MR. MERINGOLO: Good  
23 morning. John Meringolo on  
24 behalf of Tom Harvey as an  
25 individual.

1 T. HARVEY

2 MS. HARWIN: Thank you.

3 Q. Okay.

4 Mr. Harvey, what is your  
5 full name?

6 A. Thomas Harvey.

7 Q. Do you have a middle name?

8 A. I do.

9 Q. What is your middle name?

10 A. Alton.

11 Q. Can you speak up?

12 A. Yes.

13 Q. Thank you.

14 What is your middle name?

15 A. Alton, A-L-T-O-N.

16 Q. Okay.

17 Have you ever gone by any  
18 other name other than Thomas Alton  
19 Harvey?

20 A. Thomas Alton Harvey, Jr.

21 Q. Have you gone by any other  
22 names than Thomas Alton Harvey and  
23 Thomas Alton Harvey, Jr.?

24 A. What do you mean by go by  
25 other names?



1 T. HARVEY

2 Q. Have you ever referred to  
3 yourself by any other name other  
4 than those names?

5 A. Have I referred to myself  
6 by any other name, is that the  
7 question?

8 Q. Yes.

9 A. Tommy.

10 Q. Other than a nickname for  
11 the first name, have you ever gone  
12 by any other last name?

13 A. No.

14 Q. Okay.

15 Have you had any other  
16 middle name?

17 A. No.

18 Q. Okay.

19 What is your date of birth?

20 [REDACTED]

21 Q. How long have you resided  
22 at your present address?

23 A. About four years.

24 Q. Are you married?

25 A. Yes.

1 T. HARVEY

2 Q. What is the name of your  
3 spouse?

4 A. Jan Harvey.

5 Q. And how long have you been  
6 married?

7 A. A long time. I don't know.  
8 Since 1986.

9 Q. That is a good run.  
10 Do you have any children?

11 A. Two.

12 Q. Okay.  
13 And how old are your  
14 children?

15 A. 30 and 21.

16 Q. Do you suffer from any  
17 condition that affects your memory?

18 A. No.

19 Q. Have you consumed any  
20 substances that affect your memory?

21 A. No.

22 Q. Have you consumed any  
23 substances that affect your ability  
24 to communicate?

25 A. No.

1 T. HARVEY

2 Q. Is there any reason,  
3 physically or mentally, that you are  
4 not able to testify truthfully and  
5 completely today?

6 A. No.

7 Q. How many times have you  
8 been deposed before?

9 A. I don't recall.

10 Q. Do you recall whether you  
11 have been deposed before?

12 A. I believe I have been.

13 Q. Approximately how many  
14 times have you been deposed before?

15 A. I don't recall.

16 Q. Okay.

17 Have you been deposed more  
18 than five times?

19 A. I don't believe so.

20 Q. Okay.

21 So somewhere between one  
22 and five times you believe you have  
23 been deposed?

24 A. Somewhere between zero and  
25 five.

1 T. HARVEY

2 Q. Have you ever been a party  
3 in a lawsuit?

4 A. I am sure I have, yes.

5 Q. What is the nature of the  
6 lawsuit or lawsuits in which you  
7 have been a party?

8 A. I don't recall.

9 Q. Just to clarify, I am  
10 asking about lawsuits in which you  
11 personally were a party, not you  
12 appearing as a lawyer.

13 Have you been a party in a  
14 litigation?

15 A. I am sure I have been, yes.

16 Q. Okay.

17 To the best of your  
18 recollection, what types of  
19 litigation or type of litigation  
20 have you been a party in?

21 A. Civil litigation.

22 Q. Okay.

23 Have you been a plaintiff  
24 or a defendant in the civil  
25 litigation?

1 T. HARVEY

2 A. Probably both.

3 Q. Where was the civil  
4 litigation brought?

5 A. New York, California.

6 Q. Okay.

7 And what type of matter did  
8 the litigation concern?

9 A. I don't recall.

10 Q. Was it a financial matter?

11 A. Well, all litigations are  
12 financial matters. Aren't they?

13 Q. Did -- did this involve  
14 some financial transaction?

15 A. When you say, "this," I  
16 don't recall. So I'm not sure what  
17 "this" means.

18 Q. Okay.

19 How long ago were you  
20 involved in litigation?

21 A. Probably 20 years ago or  
22 more, maybe 30.

23 Q. Do you recall being  
24 involved in any litigation within  
25 the last 20 years?

1 T. HARVEY

2 A. Not that I recall.

3 Q. Okay.

4 Have you been deposed  
5 within the last 20 years?

6 A. Not that I recall.

7 Q. Okay.

8 Have you been a party in  
9 any litigation -- I'm sorry.

10 Have you been a witness in  
11 litigation in the last 20 years?

12 MR. DROGIN: Objection to  
13 the form. Go ahead and  
14 answer.

15 A. Not that I recall. Well,  
16 no, not that I recall.

17 Q. Okay.

18 Have you ever provided any  
19 testimony or witness statements in  
20 any case involving Canal Productions  
21 other than this one?

22 A. It is possible. I don't  
23 recall.

24 Q. I couldn't catch that last  
25 part.

1 T. HARVEY

2 A. It is possible. I don't  
3 recall.

4 Q. Okay.

5 Have you ever provided any  
6 testimony or witness statement in  
7 any case involving Robert De Niro?

8 A. It is possible. Again, I  
9 don't recall. And it may have been  
10 in both of those. If I submitted  
11 affirmations on behalf of Canal  
12 and/or Robert De Niro, I would  
13 consider that is presumed in your  
14 question.

15 Q. Have you ever been arrested  
16 or charged in connection with a  
17 criminal offense?

18 MR. DROGIN: Objection to  
19 the form.

20 A. Not yet.

21 Q. Have you ever been  
22 convicted of a criminal offense?

23 A. No.

24 Q. Have you ever been the  
25 subject of a bar complaint?

1 T. HARVEY

2 A. Not that I am aware of, no.

3 Q. Have you ever been  
4 subjected to professional discipline  
5 as a lawyer?

6 A. Not that I am aware of.

7 Q. Have you ever been accused  
8 in your professional life of making  
9 any false statement?

10 MR. DROGIN: Objection to  
11 the form.

12 A. No.

13 Q. What is -- describe for me  
14 your educational history?

15 A. I have a law degree and an  
16 MBA.

17 Q. When did you receive the  
18 law degree and from what  
19 institution?

20 A. New York Law School 1997.

21 Q. And where did you receive  
22 your MBA and from what institution?

23 A. Fordham University, I think  
24 '87, '88.

25 Q. Are you presently employed?



1 T. HARVEY

2 A. Self employed.

3 Q. Okay.

4 And are you self employed  
5 with an entity?

6 A. I'm sorry?

7 Q. Are you self employed from  
8 an entity?

9 A. Yes.

10 Q. What is the name of the  
11 entity in which you are self  
12 employed?

13 A. The Law Offices of Thomas  
14 A. Harvey, PLLC.

15 Q. Do you have an employment  
16 relationship with the firm named  
17 Harvey & Hackett?

18 A. I did.

19 Q. And when did your  
20 relationship with the law firm of  
21 Harvey & Hackett end?

22 A. I don't think I understand  
23 the question. What does that mean,  
24 the relationship?

25 Q. When did you cease to be

1 T. HARVEY

2 employed at Harvey & Hackett?

3 A. When did I cease to be

4 employed at Harvey & Hackett?

5 Harvey & Hackett was dissolved in or

6 about 2020.

7 Q. Since that time you have

8 been self employed?

9 A. Yes.

10 Q. Okay.

11 How long have you known

12 Robert De Niro?

13 A. I don't know. Um, probably

14 since 1985 or thereabouts.

15 Q. And how did you first come

16 to know Mr. De Niro?

17 A. Socially.

18 Q. How did you and Mr. De Niro

19 meet?

20 A. Physically or -- I'm not

21 sure I understand the question.

22 Q. How did you first come to

23 know Mr. De Niro?

24 A. Through a social meeting.

25 Q. Okay.

1 T. HARVEY

2 And did you and Mr. De Niro  
3 form a social relationship around  
4 that time?

5 A. What is a social  
6 relationship? What is a social  
7 relationship?

8 Q. Were you social with Mr. De  
9 Niro beginning around 1985?

10 A. What do you mean by social?

11 Q. It is a word that you used.

12 A. Yes.

13 Q. When you described coming  
14 to know Mr. De Niro, what did you  
15 mean by that?

16 A. Yes. I was introduced to  
17 him by a friend.

18 Q. Okay.

19 And did you become friends  
20 with Mr. De Niro?

21 A. Did I become friends with  
22 him in 1985? Is that question?

23 Q. Did there come a time when  
24 you became friends with Mr. De Niro?

25 A. I guess. I don't know.

1 T. HARVEY

2 What is your definition of a friend?

3 Q. Do you consider Mr. De Niro  
4 to be a friend of yours?

5 A. A friend and a client, yes.

6 Q. When did you form a  
7 friendship with Mr. De Niro?

8 A. I don't know. 25, 30 years  
9 ago.

10 Q. Somewhere in the 1990s?

11 A. Yes.

12 Q. Okay.

13 And did there come a time  
14 when you became a lawyer for Mr. De  
15 Niro?

16 A. I have represented him,  
17 yes.

18 Q. Okay.

19 When did you become a  
20 lawyer for Mr. De Niro?

21 A. I am going to have to say  
22 attorney-client privilege on that  
23 one.

24 Q. The -- the timing of the  
25 formation of a -- of an

1 T. HARVEY

2 attorney/client relationship is not  
3 privileged.

4 A. Well, sometime in the mid  
5 '90s.

6 Q. And -- have you served as a  
7 lawyer for Mr. De Niro since the  
8 1990s?

9 A. Have I ever represented him  
10 since 1990, yes.

11 Q. Have you been his lawyer on  
12 an ongoing basis since the 1990s?

13 A. When you say been his  
14 lawyer, I have not been his  
15 exclusive lawyer since the 1990s,  
16 no.

17 Q. Have you continuously been  
18 a lawyer for Mr. De Niro since the  
19 1990s?

20 MR. DROGIN: Objection.

21 A. I don't know what that  
22 means, continuously. I don't  
23 represent him every day.

24 Q. Okay.

25 What is your relationship

1 T. HARVEY

2 to Canal Productions?

3 A. I have represented Canal  
4 Productions as a lawyer.

5 Q. Do you represent -- have  
6 you represented Canal Productions on  
7 discrete matters or have you  
8 represented Canal on an ongoing  
9 basis?

10 MR. MERINGOLO: Objection  
11 to the form.

12 A. I don't know what you mean  
13 by ongoing.

14 Q. Have you --

15 MR. MERINGOLO: Just --  
16 just -- I'm sorry. Just  
17 respectfully, and I --  
18 discrete matters could be  
19 deemed as privileged as well.  
20 So if we could do more  
21 specifically.

22 MS. HARWIN: Sure. I am  
23 just trying to understand the  
24 nature of the relationship to  
25 Canal Productions.

1 T. HARVEY

2 Q. Do you have any role at  
3 Canal Productions?

4 A. Do I have -- I don't have  
5 an office there. And I can advise  
6 them on legal situations when they  
7 -- they call for it, or request it  
8 or I -- they need it.

9 Q. How often do you  
10 communicate with Mr. De Niro?

11 A. Depends on -- I have known  
12 the guy 40 years. You want to be a  
13 little bit more specific?

14 Q. As a general matter, over  
15 the last decade, approximately how  
16 often have you communicated with Mr.  
17 De Niro?

18 A. It depends on what is going  
19 on.

20 Q. In a typical week, how  
21 often do you communicate with Mr. De  
22 Niro during the past decade?

23 A. There is no such thing as a  
24 typical week for me or Mr. De Niro.

25 Q. Can you give a range of

1 T. HARVEY

2 approximately how often you would  
3 speak to him during the past decade?

4 A. No.

5 Q. Do you typically speak to  
6 Mr. De Niro at least once a week?

7 A. You keep saying typically.  
8 What timeframe?

9 Q. In the last decade, has it  
10 been typical for you to speak to Mr.  
11 De Niro at least once a week?

12 A. I don't understand typical.  
13 What do you mean by typical?

14 Q. In an ordinary week?

15 A. I said there has not been  
16 an ordinary week.

17 Q. Do you recall any weeks in  
18 which you have spoken to Mr. De Niro  
19 less than once a week?

20 A. Yes.

21 Q. Other than when Mr. De Niro  
22 is on vacation, do you recall  
23 speaking to Mr. De Niro less than  
24 once a week?

25 A. Yes.



1 T. HARVEY

2 Q. Okay.

3 Are there months that you  
4 go without speaking to Mr. De Niro?

5 A. Months? In the last ten  
6 years I assume --

7 Q. Yes.

8 A. Months, I don't think that  
9 has occurred, no.

10 Q. Okay.

11 Have there been weeks when  
12 you have spoken to Mr. De Niro  
13 multiple times a day?

14 A. Yes.

15 Q. Do you receive payment from  
16 Canal for the services that you  
17 perform?

18 A. Yes.

19 Q. Okay.

20 And what is your fee  
21 arrangement with Canal Productions?

22 A. I do work, I get paid.

23 Q. Do you get paid on an  
24 hourly basis?

25 A. Not necessarily.

1 T. HARVEY

2 Q. So on what basis are you  
3 paid by Canal?

4 A. Negotiated and/or hourly.

5 Q. So what -- what is -- what  
6 has your financial arrangement been  
7 with Canal during the past decade?

8 MR. DROGIN: Objection to  
9 the form.

10 A. I work, I get paid.

11 Q. And specifically what do  
12 you get paid for your work?

13 A. Depends on what I am doing.

14 Q. So you have had different  
15 arrangements with Canal at different  
16 times?

17 A. Yes.

18 Q. Do -- have you ever had an  
19 annual retainer with Canal?

20 A. No.

21 Q. Have you ever had a monthly  
22 retainer with Canal?

23 A. No.

24 Q. Okay.

25 Have you ever been paid a

1 T. HARVEY

2 salary by Canal?

3 A. No.

4 Q. Okay.

5 Have you been paid a flat  
6 fee for certain work that you  
7 performed?

8 A. Yes.

9 Q. Okay.

10 And for what types of work  
11 have you been paid an hourly -- a  
12 flat fee?

13 A. I am going to object on the  
14 attorney-client privilege describing  
15 the work that I did for a client.

16 Q. Just describe in general  
17 terms, without specifying the  
18 specific privileged matter, but just  
19 what the nature of the work for  
20 which you had a flat-fee structure?

21 A. Okay. You are just --

22 MR. MERINGOLO:

23 Respectfully, it would just  
24 be for legal services  
25 rendered.

1 T. HARVEY

2 Q. What is the distinction  
3 between the types of work for which  
4 you are paid a flat fee versus an  
5 hourly rate?

6 A. I am not going to go into  
7 what work I did with my client.

8 Q. How much did you receive on  
9 an annual basis from Canal in 2021?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I have no idea.

13 Q. Were you paid more than  
14 \$30,000 by Canal in 2021?

15 A. More than what?

16 Q. \$30,000?

17 A. Yes.

18 Q. Were you paid more than  
19 \$100,000 by Canal in 2021?

20 A. Maybe.

21 Q. Were you paid more than  
22 \$100,000 by Canal in 2020?

23 A. The short answer is I don't  
24 know.

25 Q. It is possible that you

1 T. HARVEY

2 were paid more than \$100,000 by  
3 Canal in 2020?

4 A. I am not going to speculate  
5 as to what I made or -- I don't --  
6 truly don't recall. But there are  
7 tax records we can get.

8 Q. Okay.

9 And for 2019, approximately  
10 how much were you paid by Canal?

11 A. No idea.

12 Q. Has there been any  
13 significant change in what you have  
14 been paid by Canal on an annual  
15 basis over the last ten years?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I guess it depends on what  
19 you consider significant, but I  
20 wouldn't know. I don't have any  
21 idea what I have been paid in the  
22 past ten years by Canal annually.

23 Q. Do you serve as a lawyer  
24 for Mr. De Niro personally?

25 A. I do.

1 T. HARVEY

2 Q. Okay.

3 Do you receive additional  
4 payments for Mr. De Niro personally  
5 apart from payments that you receive  
6 from Canal?

7 A. You used the word  
8 additional. I'm not sure I know  
9 what you mean.

10 Q. You have testified about  
11 money that you receive from Canal.

12 Have you received any  
13 additional payments from Mr. De Niro  
14 personally beyond what is paid from  
15 Canal?

16 A. When you say additional  
17 money you are tying it from Canal.  
18 If I am working for Mr. De Niro as  
19 opposed to Canal Productions, Inc.,  
20 there is a distinction.

21 Q. Yes.

22 A. It could not be an in  
23 addition to.

24 MR. DROGIN: I think the  
25 question -- I think the

1 T. HARVEY

2 question is has Mr. De Niro  
3 paid you for services  
4 provided directly to him. So  
5 is that what you are asking?

6 MS. HARWIN: Yes.

7 A. Yes is the answer.

8 Q. Okay.

9 And in 2019, approximately  
10 how much were you paid by Mr. De  
11 Niro for services that you rendered  
12 to him?

13 A. No idea.

14 Q. Okay.

15 Was it more than \$30,000?

16 A. I have no idea.

17 Q. Was it more than \$100,000?

18 A. I have no idea.

19 Q. Can you provide any  
20 estimate as to the amount that you  
21 received from Mr. De Niro on an  
22 annual basis?

23 MR. DROGIN: Objection to  
24 the form.

25 A. No. Ask Berdon.

1 T. HARVEY

2 Q. I'm sorry. I couldn't hear  
3 you.

4 A. Ask his accountants or I  
5 will have to look at tax forms.

6 Q. Do you serve as the lawyer  
7 for any other entities owned or  
8 operated by Mr. De Niro besides  
9 Canal Productions?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I have served for --

13 MR. DROGIN: Can we hear  
14 the question back?

15 (Whereupon, the requested  
16 portion was read back by the  
17 reporter:

18 Q: Do you serve as the  
19 lawyer for any other entities  
20 owned or operated by Mr. De  
21 Niro besides Canal  
22 Productions?)

23 MR. DROGIN: Objection to  
24 the form.

25 MR. BENNETT: Me as well.



1 T. HARVEY

2 A. I have represented other  
3 entities.

4 Q. What other entities owned  
5 or operated by Mr. De Niro have you  
6 served as a lawyer for?

7 MR. DROGIN: Objection to  
8 the form.

9 A. Riverside Trust, Tribeca  
10 Film Center, Tribeca Film something  
11 or other. A number of them.

12 Q. Have you serve as lawyer  
13 for any of Mr. De Niro's family  
14 members?

15 A. Yes.

16 Q. Okay.

17 Which family members of Mr.  
18 De Niro have you served as a lawyer  
19 for?

20 MR. DROGIN: Objection.

21 [REDACTED]

[REDACTED]

[REDACTED]

24 it.

25 Q. Do you spend a majority of

1 T. HARVEY

2 your working time servicing Mr. De  
3 Niro, his businesses, and his  
4 family?

5 MR. DROGIN: Objection to  
6 the form.

7 A. Say that again?

8 Q. Do you spend a majority of  
9 your working time servicing Mr. De  
10 Niro, his entities, and his family?

11 MR. DROGIN: Objection to  
12 the form of the question.

13 A. So in the last 30 years  
14 have I spent a majority of my time  
15 representing Mr. De Niro, is that  
16 it?

17 Q. During the last ten years,  
18 let's ask that question about the  
19 last ten years.

20 MR. MERINGOLO:  
21 Objection.

22 A. In the last ten years have  
23 I -- what is the question?

24 MS. HARWIN: Can you  
25 repeat the question?

1 T. HARVEY

2 (Whereupon, the requested  
3 portion was read back by the  
4 reporter:

5 Q: Do you spend a  
6 majority of your working time  
7 servicing Mr. De Niro, his  
8 entities, and his family?)

9 MR. DROGIN: Objection to  
10 the form.

11 A. It depends on what I am  
12 doing.

13 Q. Taking in the last ten  
14 years, has a majority of your  
15 working time been spent on work  
16 pertaining to Mr. De Niro, his  
17 entities, and his family?

18 MR. DROGIN: Objection to  
19 the form.

20 A. I have no idea. I doubt  
21 it, but I don't know.

22 Q. Okay.

23 Has a majority of your  
24 income over the past ten years been  
25 derived from work that you performed

1 T. HARVEY

2 for Mr. De Niro, his entities, or  
3 his family?

4 MR. MERINGOLO: Objection  
5 to the form.

6 Can you repeat that?

7 (Whereupon, the requested  
8 portion was read back by the  
9 reporter:

10 Q: Has a majority of  
11 your income over the past ten  
12 years been derived from work  
13 that you performed for Mr. De  
14 Niro, his entities, or his  
15 family?)

16 MR. DROGIN: Objection to  
17 the form. Are you excluding  
18 the law firm?

19 MS. HARWIN: I am asking  
20 about whether the majority of  
21 his income has been derived  
22 from that work.

23 MR. BENNETT: I think  
24 Laurent's point, and I don't  
25 mean to speak on his behalf,

1 T. HARVEY  
2 was that Attorney Harvey  
3 testified that he was  
4 affiliated with the law firm  
5 until 2020. So if you can  
6 just clarify if you are  
7 asking about Mr. Harvey's  
8 individual income or the firm  
9 income.

10 MR. DROGIN: Thank you.

11 MS. HARWIN: Sure.

12 Q. Well, let's start with the  
13 period since 2020 when you have been  
14 self employed.

15 Has a majority of your  
16 income been derived from work that  
17 you performed for Mr. De Niro, his  
18 entities, or his family?

19 MR. BENNETT: Objection.

20 A. I don't know. I don't  
21 believe so.

22 Q. Okay.

23 Mr. Harvey, you understand  
24 that you are here both as a fact  
25 witness and as a Rule 30(b)(6)

1 T. HARVEY

2 witness, is that correct?

3 A. That is correct.

4 Q. Okay.

5 Do you understand --

6 actually let me -- let me introduce  
7 an exhibit that we are going to drop  
8 into the chat, which is the -- the  
9 Notice of 30(b)(6) Deposition. This  
10 is going to be marked as Plaintiff's  
11 Exhibit 47.

12 (Whereupon, Plaintiff's  
13 Exhibit 47, Notice of  
14 30(b)(6) Deposition, was  
15 marked for identification, as  
16 of this date.)

17 MR. DROGIN: Is this the  
18 Second Amended Notice that we  
19 got yesterday?

20 MS. HARWIN: Yes. That  
21 is correct.

22 Q. Mr. Harvey, do you  
23 recognize this document?

24 A. Yes.

25 Q. Okay.

1 T. HARVEY

2 Have you read this document  
3 before?

4 A. Yes.

5 Q. Okay.

6 As you can see the document  
7 is entitled, Plaintiff's Second  
8 Amended Notice of Deposition of  
9 Defendant Canal Productions, Inc.,  
10 Pursuant to Federal Rule Civil  
11 Procedure 30(b)(6).

12 Do you understand that  
13 Canal Productions, Inc., has  
14 designated you as a 30(b)(6)  
15 witness?

16 A. I do.

17 Q. As a Rule 30(b)(6) witness  
18 you are providing official testimony  
19 on behalf of Robert De Niro's  
20 company, Canal Productions, Inc., is  
21 that correct?

22 A. That is correct.

23 Q. Okay.

24 You understand that to  
25 satisfy Rule 30(b)(6) you must give

1 T. HARVEY

2 complete, knowledgeable, and binding  
3 answers on Canal's behalf, correct?

4 MR. DROGIN: Objection to  
5 the form.

6 A. Yes.

7 Q. I couldn't hear your  
8 answer?

9 A. Yes.

10 Q. I would like you to please  
11 read aloud the topics on which you  
12 are prepared to testify as a Rule  
13 30(b)(6) witness on behalf of Canal  
14 Productions, Inc.

15 MR. DROGIN: Objection to  
16 the form. That has already  
17 been -- it has already been  
18 designated. You have that --

19 MR. BENNETT: The lawyers  
20 can read that into the  
21 record. I don't see the  
22 point of asking Mr. Harvey to  
23 read it.

24 MR. DROGIN: It has  
25 already been disclosed.



1 T. HARVEY

2 Q. I am asking you to read for  
3 the record the topics on which you  
4 are prepared to testify here today  
5 as a Rule 30(b)(6) witness for  
6 Canal?

7 MR. MERINGOLO: We would  
8 object to that and just  
9 stipulate to read it in the  
10 record.

11 A. I am prepared to handle  
12 Paragraph Number 5, Communications  
13 with Law Enforcement or Prosecutors.

14 I am here to answer  
15 questions regarding Paragraph 4,  
16 Communications with the Media.

17 I am here to handle  
18 Paragraph Number 3, and I think -- I  
19 can probably handle 2 also.

20 MR. BENNETT: Just to  
21 clarify the record, this is  
22 the purpose why I intervened.  
23 It has already been  
24 designated. Mr. Harvey is  
25 here for topics 3, 4 and 5

1 T. HARVEY

2 per my January 24 e-mail.

3 Q. Mr. Harvey, can you read  
4 aloud verbatim topics 3, 4 and 5  
5 that you are prepared to testify  
6 here today on behalf of Canal  
7 Productions?

8 MR. DROGIN: Objection to  
9 the form. It is yes or no  
10 the question.

11 The question is, can you  
12 read it aloud.

13 A. I can.

14 Q. Okay.

15 Please read aloud the  
16 topics on which you have been  
17 designated, 3, 4 and 5?

18 MR. DROGIN: Objection.  
19 Is this really how we are  
20 going to spend our day?

21 MS. HARWIN: Counsel, if  
22 you stop objecting, it would  
23 have been read already, so  
24 please.

25 (Simultaneous speaking)

1 T. HARVEY

2 A. Let me make it very very  
3 simple. Ask me a question, I will  
4 answer it. You are not asking me a  
5 question. You are trying to direct  
6 me to read a document. I would be  
7 happy to read the document to myself  
8 and then tell you that I understand  
9 the document. I would be happy to  
10 have you -- I am not done. I would  
11 be happy to have you read the  
12 document aloud and then I will tell  
13 you that I heard it. Short of that,  
14 let's move on.

15 Q. Counsel, are you prepared  
16 to testify on behalf of Canal  
17 Productions here today concerning  
18 the facts and circumstances leading  
19 to the Canal State Court lawsuit  
20 against Plaintiff including any  
21 charge of expenses, transfers,  
22 transactions, payments or  
23 reimbursements that Canal contends  
24 serve as the basis for its State  
25 Court lawsuit against Plaintiff?

1 T. HARVEY

2 A. Yes.

3 MR. DROGIN: We have  
4 designated him.

5 Q. Are you prepared to testify  
6 here today as a Rule 30(b)(6)  
7 witness on behalf of Canal  
8 concerning all communications with  
9 the media by Canal or anyone acting  
10 on behalf of Canal concerning  
11 Plaintiff, Canal's State Court  
12 lawsuit against Plaintiff, or this  
13 lawsuit?

14 A. Yes.

15 Q. Are you prepared to testify  
16 as a Rule 30(b)(6) witness on behalf  
17 of Canal concerning all  
18 communications with law enforcement  
19 or prosecutors by Canal or anyone  
20 acting on behalf of Canal concerning  
21 against Plaintiff, Canal's State  
22 Court lawsuit against Plaintiff, or  
23 this lawsuit?

24 A. Yes.

25 MR. DROGIN: Could you --

1 T. HARVEY

2 could you repeat that one?

3 I'm sorry. Can you repeat

4 that last one with the

5 prosecutors?

6 MS. HARWIN: Madam Court

7 Reporter, can you read that

8 back?

9 (Whereupon, the requested  
10 portion was read back by the  
11 reporter:

12 Q: Are you prepared to  
13 testify as a Rule 30(b)(6)  
14 witness on behalf of Canal  
15 concerning all communications  
16 with law enforcement or  
17 prosecutors by Canal or  
18 anyone acting on behalf of  
19 Canal concerning against  
20 Plaintiff, Canal's State  
21 Court lawsuit against  
22 Plaintiff, or this lawsuit?)

23 MR. MERINGOLO: Just, you  
24 know, this potentially could  
25 be a breach of if he -- if

1 T. HARVEY

2 Mr. Harvey was actually  
3 speaking to prosecutors or  
4 law enforcement he could  
5 breach the confidence and the  
6 confidentiality of a criminal  
7 investigation. So I don't  
8 know -- you know, maybe we  
9 can break out during those --  
10 those questioning -- the  
11 questions that you want to  
12 ask because, you know, if  
13 there is, in fact, going to  
14 be any sort of criminal  
15 investigation, and Mr. Harvey  
16 was part in parcel of that,  
17 he would be, you know,  
18 precluded by -- by state  
19 criminal law or federal  
20 criminal law to that -- for  
21 that matter, to actually have  
22 any discussions with respect  
23 to that.

24 MS. HARWIN: Just to  
25 clarify, Counsel, the

1 T. HARVEY  
2 criminal investigation has  
3 closed. So there is no -- it  
4 is no longer an active  
5 investigation.

6 MR. MERINGOLO: True.  
7 But certain conversations  
8 with prosecutors, would be  
9 deemed -- I don't believe --  
10 and this is exactly what I do  
11 for a living. I don't  
12 believe that he can actually  
13 talk about those  
14 conversations.

15 MS. HARWIN: Well,  
16 counsel, maybe this is  
17 something --

18 (Simultaneous speaking)

19 MR. MERINGOLO: Actually,  
20 until the Statute of  
21 Limitations on an issue  
22 expires, he would be  
23 precluded because a criminal  
24 investigation, although could  
25 be closed today, could be

1 T. HARVEY

2 opened at any time. I will  
3 put it on the record that is  
4 just the way it is. I am not  
5 making it up. That is just  
6 the way it is.

7 MS. HARWIN: So he has  
8 been designated on this  
9 topic, but we can discuss it  
10 during a break.

11 MR. BENNETT: I would  
12 like to -- I'm sorry.

13 MR. MERINGOLO: I am not  
14 trying to be difficult,  
15 Ma'am. I am just saying I am  
16 representing Tom Harvey and  
17 if he was to disclose certain  
18 things that would be, you  
19 know -- you know, not nice --  
20 you know, for me to allow  
21 that to happen.

22 MR. DROGIN: I also just  
23 want to refer to the 30(b)(6)  
24 Notice that Canal reserves  
25 the right to contest their



1 T. HARVEY  
2 questions regarding  
3 paragraphs 1 and paragraphs  
4 2, and the witness answered  
5 those questions, we reserve  
6 the right to have Canal adopt  
7 the answers.

8 MS. HARWIN: Okay.

9 Q. So as a Rule 30(b)(6)  
10 witness, Mr. Harvey, you had an  
11 obligation to prepare to provide  
12 official testimony on behalf of  
13 Canal Productions.

14 Tell me everything that you  
15 did to prepare for your deposition  
16 today?

17 A. I spoke to Canal's  
18 attorneys and Robert De Niro's  
19 attorneys, reviewed e-mails,  
20 reviewed documents, and that is --  
21 that is it.

22 Q. Mr. Harvey, it is very  
23 difficult to hear you. Can you  
24 speak up or speak closer to the mic?

25 A. I will try.

1 T. HARVEY

2 Q. Thank you.

3 A. I spoke to attorneys for  
4 Canal Productions, Inc., I spoke to  
5 counsel for Robert De Niro, I  
6 reviewed e-mails, and I reviewed  
7 documents in connection with this  
8 matter.

9 Q. What specific documents did  
10 you review?

11 MR. DROGIN: Objection.  
12 That is privileged. That is  
13 work product.

14 MS. HARWIN: Not as to a  
15 Rule 30(b)(6) witness.

16 MR. DROGIN: What is your  
17 authority for that?

18 MS. HARWIN: We are  
19 entitled to know the  
20 documents reviewed by a  
21 30(b)(6) witness for  
22 preparing for a deposition.

23 MR. DROGIN: I don't  
24 believe that that is  
25 accurate. You are asking him

1 T. HARVEY  
2 for a description of work  
3 product, what he has  
4 reviewed. He is representing  
5 Mr. De Niro. You know that.  
6 You have also established he  
7 is representing Canal. Canal  
8 objects to that question.

9 A. Let me do it this way, I  
10 can tell that you I reviewed  
11 hundreds of documents, many of which  
12 had been produced to you. In  
13 addition, I reviewed work product  
14 that was prepared in connection with  
15 this litigation.

16 Q. What were the nature of the  
17 e-mails that you reviewed to prepare  
18 for the deposition?

19 MR. DROGIN: Same  
20 objection. This is work  
21 product.

22 A. I don't know what you mean  
23 by nature.

24 Q. What were the e-mails that  
25 you reviewed to prepare for this

1 T. HARVEY

2 deposition?

3 MR. DROGIN: Objection to  
4 the form.

5 A. I reviewed e-mails that  
6 were produced by both the Plaintiff  
7 and the Defendants in this matter.

8 Q. What did the e-mails that  
9 you reviewed concern?

10 MR. DROGIN: Objection to  
11 the form.

12 A. This matter.

13 Q. What specific topics did  
14 these e-mails that you reviewed  
15 concern?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Oh, gosh. They -- I should  
19 add tape recordings, too. The  
20 question was what did they concern?

21 Q. Yes.

22 A. They concerned the  
23 Complaint filed against Canal, and  
24 De Niro, and the Counterclaims, and  
25 the Motions, et cetera. Concerned

1 T. HARVEY

2 all of that.

3 MR. DROGIN: Do you want  
4 to propose a concise  
5 stipulation that moves to  
6 this line of questioning?  
7 Because I don't think there  
8 is any dispute about his  
9 involvement. If you want to  
10 get down into the granular  
11 detail about particular  
12 e-mails, it -- it is going to  
13 take a really long time. But  
14 there may be a stipulation  
15 available to you that  
16 approves or establishes  
17 whatever it is that you are  
18 trying to get at.

19 MS. HARWIN: Okay. I am  
20 happy to -- happy to consider  
21 a stipulation. Maybe we can  
22 pick that up after the break.

23 MR. DROGIN: Okay. Just  
24 to be clear, you are aware  
25 from the thousands of

1 T. HARVEY  
2 documents that have been  
3 produced that Mr. Harvey has  
4 been involved in the  
5 underlying facts giving rise  
6 to Canal's lawsuit as well as  
7 Ms. Robinson's claims against  
8 Canal and Mr. De Niro. He  
9 has been actively involved.  
10 You know that already. And  
11 it is not denied. It is not  
12 an issue.

13 Q. Mr. Harvey, how much time  
14 did you spend reviewing documents  
15 and e-mails to prepare for the  
16 deposition?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I think you would have to  
20 be more specific. I have reviewed  
21 every document that has been  
22 exchanged for starters. So I'm not  
23 sure how to answer that question.

24 Q. Well, when did you begin  
25 preparing for your deposition in

1 T. HARVEY

2 this matter?

3 A. Well, again, I have been  
4 involved with the matter since day  
5 one. I would consider that, quote,  
6 preparing for my deposition.

7 Q. How many hours have you  
8 spent engaged in work relating to  
9 Mr. De Niro's lawsuit against Ms.  
10 Robinson or Ms. Robinson's lawsuit  
11 against Mr. De Niro?

12 MR. DROGIN: Objection.

13 Mr. De Niro does not have a  
14 lawsuit against Ms. Robinson.

15 MS. HARWIN: Let me  
16 rephrase.

17 Q. How much time have you  
18 spent working on matters concerning  
19 Canal Productions lawsuit against  
20 Ms. Robinson, or Ms. Robinson's  
21 lawsuit against Canal Productions  
22 and Mr. De Niro?

23 A. I have spent substantial  
24 time on the matters.

25 Q. Hundreds of hours?

1 T. HARVEY

2 A. I think that is fair.

3 Q. I couldn't hear your  
4 answer?

5 A. I think that is fair.

6 Q. Okay.

7 Would you estimate more  
8 than 500 hours?

9 A. I don't estimate. I have  
10 spent hundreds of hours.

11 Q. Okay.

12 Did you speak to anyone  
13 other than counsel for -- let me  
14 restate the question.

15 Other than Mr. Bennett and  
16 Mr. Drogin, was there anyone else  
17 that you spoke to in order to  
18 prepare for your deposition?

19 A. Yes.

20 Q. Who?

21 A. Mr. Meringolo.

22 Q. Other than Mr. Meringolo,  
23 Mr. Bennett, and Mr. Drogin, was  
24 there anyone else that you spoke to  
25 to prepare for your deposition?



1 T. HARVEY

2 A. Yes.

3 Q. Who?

4 A. Brittany.

5 Q. Other than Ms. Lazzaro, Mr.

6 Bennett, Mr. Drogin, and Mr.

7 Meringolo, was there anyone else

8 that you spoke to to prepare for

9 your deposition?

10 A. Yes.

11 Q. Who else?

12 A. Mr. Hackett.

13 Q. And who is Mr. Hackett?

14 A. John Hackett.

15 Q. And why did you speak to

16 Mr. Hackett to prepare for your

17 deposition?

18 A. I didn't. I called him.

19 He didn't return my call.

20 Q. And why did you want to

21 speak to Mr. Hackett about your

22 deposition?

23 A. I just wanted to see if he

24 had any information that I was

25 missing.

1 T. HARVEY

2 Q. What was Mr. Hackett's  
3 relationship with Mr. De Niro?

4 A. He likes me a lot better.

5 Q. Mr. Hackett or Mr. De Niro?

6 A. Mr. De Niro. Mr. Hackett  
7 was my partner and represented Mr.  
8 De Niro and various entities  
9 associated with Mr. De Niro over the  
10 last 20 years.

11 Q. Okay.

12 To be clear, I am going to  
13 be questioning you about matters  
14 within the ambit of your Rule  
15 30(b)(6) designation first, starting  
16 now, so that that is clear for the  
17 record.

18 MS. HARWIN: We are going  
19 to drop into the chat what  
20 will be marked as Exhibit 48.

21 (Whereupon, Plaintiff's  
22 Exhibit 48, a Complaint in  
23 the Supreme Court action, was  
24 marked for identification, as  
25 of this date.)

1 T. HARVEY

2 MR. BENNETT: If I could,  
3 since you are marking where  
4 you are beginning the  
5 30(b)(6) questions, will you  
6 also be marking the end of  
7 them?

8 MS. HARWIN: Yes.

9 MR. BENNETT: Thank you.

10 MS. HARWIN: Of course,  
11 if any question arising, you  
12 know, feel free to ask. But  
13 yes, we would anticipate  
14 identifying the conclusion of  
15 those questions.

16 MR. BENNETT: Thank you.

17 Q. Mr. Harvey, do you  
18 recognize the document that is being  
19 marked as Exhibit 48?

20 MR. DROGIN: I don't  
21 think it is in the chat.

22 MR. SCHAITKIN: Sorry,  
23 Allie, I missed -- I couldn't  
24 hear what you --

25 MS. HARWIN: We are going

1 T. HARVEY  
2 to identify as Exhibit 48 the  
3 State Court lawsuit filed by  
4 Canal Productions.

5 MR. DROGIN: The  
6 Complaint?

7 MS. HARWIN: Yes.

8 MR. DROGIN: Just give us  
9 a moment to open it.

10 MS. HARWIN: Take your  
11 time.

12 Q. Mr. Harvey, have you been  
13 able to download that document?

14 MR. DROGIN: 15-page  
15 document. It is the  
16 Complaint in the Supreme  
17 Court action. Filed under  
18 index number 654711 of 2019,  
19 at 1:45 p.m., on August 17th,  
20 2019.

21 Q. Mr. Harvey, do you  
22 recognize this document?

23 A. I do.

24 Q. Are you familiar with  
25 Canal's State Court lawsuit against

1 T. HARVEY

2 Ms. Robinson?

3 A. I am.

4 Q. Are there any substantive  
5 differences between the claims set  
6 forth in Canal's State Court lawsuit  
7 and the claims that Canal continues  
8 to advance against Ms. Robinson as  
9 counterclaim?

10 MR. DROGIN: Objection.

11 It calls for a legal  
12 conclusion and a legal  
13 analysis. I would direct him  
14 not to answer that question  
15 on behalf of Canal  
16 Productions.

17 Q. Are you refusing to answer  
18 that question?

19 A. On advice of counsel.

20 Q. Are you familiar with  
21 Canal's claim that Ms. Robinson  
22 engaged in fraud?

23 A. Well, are we dealing with  
24 the document or are you asking me in  
25 general?

1 T. HARVEY

2 Q. I am asking you in general.

3 Are you familiar with Canal's claim  
4 that is Ms. Robinson engaged in  
5 fraud?

6 A. Again, in general, Canal  
7 Productions believes Graham Chase  
8 Robinson defrauded Canal, yes.

9 Q. Identify for me all  
10 statements or omissions that Canal  
11 contends were made by Ms. Robinson  
12 that served as the basis for Canal's  
13 fraud claim against her?

14 MR. DROGIN: Objection.

15 Are you talking about in this  
16 document?

17 MS. HARWIN: He is a Rule  
18 30(b)(6) witness concerning  
19 the facts and circumstances  
20 that led to the commencement  
21 of the State Court action. I  
22 am asking about the  
23 statements or omissions that  
24 Canal contends were made by  
25 Ms. Robinson that served as

1 T. HARVEY

2 the basis.

3 MR. DROGIN: I am asking  
4 if you are confining your  
5 question to the document that  
6 is on file.

7 MS. HARWIN: No.

8 MR. DROGIN: So you are  
9 -- you are asking the witness  
10 to opine for you as to what  
11 facts give rise to Canal's  
12 legal claims?

13 MS. HARWIN: I am asking  
14 him to identify all  
15 statements or omissions that  
16 Canal contends were made by  
17 Ms. Robinson that serve as  
18 the basis for the fraud  
19 claims against her?

20 MR. MERINGOLO:  
21 Respectfully, that we would  
22 object -- object pursuant to  
23 Hickman V. Taylor 329 US 495,  
24 which the Court -- the High  
25 Court says qualified

1 T. HARVEY  
2 privilege for certain  
3 materials prepared by an  
4 attorney acting for his  
5 client in anticipation of  
6 litigation is -- is  
7 prohibited. Just for the  
8 record and then there is  
9 subsequently many cases that  
10 follow, but that is the  
11 leading case.

12 MS. HARWIN: Canal has  
13 chosen to designate an  
14 attorney to testify on this  
15 topic. And so Canal's  
16 designation is that he is  
17 competent and will testify on  
18 this topic and so I don't  
19 believe that that privilege  
20 objection is a -- a proper  
21 one here. I am asking for an  
22 answer to the question which  
23 falls within the Rule  
24 30(b)(6) designation.

25 MR. MERINGOLO: There are



1 T. HARVEY  
2 probably other facts that he  
3 has shared for the litigation  
4 itself that would be  
5 precluded that the question  
6 is an open-ended question for  
7 all the facts for the fraud.  
8 I mean, facts within --  
9 within the contents of the  
10 lawsuit may be different.  
11 But to go through all the  
12 facts that would be precluded  
13 by the High Court and Hickman  
14 V Taylor.

15 MR. DROGIN: That is why  
16 I asked whether you are  
17 confining your question to  
18 what is contained in the  
19 Complaint or -- or are you  
20 asking beyond that.

21 Q. Let me repeat what the  
22 question is.

23 (Simultaneous speaking)

24 MS. HARWIN: As you know  
25 Canal has designated Mr.

1 T. HARVEY

2 Harvey as their official  
3 corporate witness concerning  
4 the facts and circumstances  
5 leading to the commencement  
6 of Canal's State Court action  
7 against Plaintiff, including  
8 any transaction that Canal  
9 contends serve as the basis  
10 for the State Court lawsuit  
11 against Ms. Robinson.

12 Q. So I am going to ask you to  
13 -- I am starting, you know,  
14 concerning the fraud claim.

15 Identify for me all  
16 statements or omissions that Canal  
17 contends were made by Ms. Robinson  
18 that served as the basis for Canal's  
19 fraud claim against her?

20 MR. DROGIN: I am going  
21 to object to the form. I  
22 think it calls for a  
23 narrative, and I think it is  
24 an inappropriate question.  
25 If you want to give the

1 T. HARVEY  
2 witness some time to gather  
3 his thoughts as he has to go  
4 through every single factual  
5 allegation that supports the  
6 claim when you have the  
7 Complaint in front of you?  
8 Do you want to go through the  
9 Complaint and ask if there  
10 are additional facts that  
11 substantiate what Canal's  
12 stated position already is?

13 MS. HARWIN: I am asking  
14 Mr. Harvey to identify those  
15 statements or omissions.

16 MR. MERINGOLO:  
17 Statements and omissions by a  
18 client would be precluded to  
19 Mr. Harvey. I understand --

20 MS. HARWIN: These are  
21 statements made by Ms.  
22 Robinson. That is -- that is  
23 what we are talking about.  
24 This is factual information  
25 that served as the basis for

1 T. HARVEY

2 Canal's fraud claim. I am  
3 going to repeat the question  
4 one more time.

5 Q. Mr. Harvey, please answer  
6 the question.

7 Identify for me all  
8 statements or omissions that Canal  
9 contends were made by Ms. Robinson  
10 that served as the basis for Canal's  
11 fraud claim against her?

12 MR. DROGIN: Same  
13 objection.

14 MR. MERINGOLO: Same  
15 objection.

16 A. With respect to the New  
17 York State Claim, Ms. Robinson made  
18 statements with respect to personal  
19 expenses, unauthorized charges on  
20 the American Express card, Flowers  
21 by Philip, groceries, personal  
22 transportation, and various  
23 misstatements with respect to air  
24 miles and falsification of her  
25 vacation time, and generally

1 T. HARVEY  
2 statements about doing work when, in  
3 fact, she wasn't doing work, but  
4 rather watching Netflix. She  
5 basically submitted time sheets at  
6 the end of each year with respect to  
7 vacation time that said she did not  
8 take a vacation, which was a  
9 complete fabrication. She used air  
10 miles belonging to Canal and/or Mr.  
11 De Niro that she stated were for  
12 business use that were strictly  
13 personal use. She transferred in  
14 the last month of her employment  
15 approximately 3 million air miles  
16 from Mr. De Niro's account without  
17 permission from Mr. De Niro. She  
18 lied about that. She consistently  
19 lied about potential transportation,  
20 taking Ubers, et cetera, for  
21 certainly from 2013 to 2019. Her  
22 last date of employment, on April  
23 6th, she charged basically every  
24 single meal she ate, breakfast,  
25 lunch, dinner, as a business expense

1 T. HARVEY  
2 and had Mr. De Niro fund that  
3 lifestyle. She leased and rented  
4 cars that she said were for work  
5 that weren't. She stayed at hotels  
6 that she said were for work that  
7 weren't. She purchased gift cards  
8 with Mr. De Niro and/or Canal's cash  
9 saying they were used for Canal or  
10 Mr. De Niro when, in fact, she  
11 converted them to her own use. She  
12 ordered flowers from Flowers by  
13 Philips and said they were from Mr.  
14 De Niro or someone associated to Mr.  
15 De Niro, and, in fact, they were  
16 related to her. I am certain that I  
17 am missing certain things, but for  
18 six years of constant fraud, there  
19 was a lot going on. I think it is  
20 easier to ask me the truthful  
21 statements made by Ms. Robinson over  
22 that time period than to ask me to  
23 the false statements that she made.

24 MR. DROGIN: Canal  
25 further directs your

1 T. HARVEY  
2 attention to the Complaint  
3 filed in the State Court for  
4 Counterclaims filed in  
5 Federal Court and all  
6 responses to discovery  
7 requests that you have made,  
8 which were already on the  
9 record with Canal's statement  
10 and position. So you have  
11 Canal's statement and  
12 position and now you have  
13 testimony supporting this  
14 Canal's statement and  
15 position.

16 MS. HARWIN: Counsel, you  
17 can't supplement Mr. Harvey's  
18 answer. Mr. Harvey's answer  
19 is Mr. Harvey's answer.

20 MR. DROGIN: I am just  
21 making sure that the record  
22 is clear that while the  
23 witness is testifying to the  
24 best of his knowledge as you  
25 explained he should do, there

1 T. HARVEY

2 is far more in the record  
3 than the witness has  
4 testified about. So it  
5 should not appear that his  
6 answer is limiting on Canal.

7 Q. Mr. Harvey, identify for me  
8 all specific statements that Ms.  
9 Robinson made that Canal contends  
10 served as the basis for its fraud  
11 claim?

12 MR. DROGIN: Objection to  
13 the form.

14 A. I would need actual  
15 documents to look at to refresh my  
16 recollection, but off the top of my  
17 head, you can start with the annual  
18 e-mail that Ms. Robinson sent to Mr.  
19 Tasch requesting that she be  
20 reimbursed each year for taking zero  
21 vacation days. And the statement  
22 was I have taken in sum and  
23 substance, at least no vacation this  
24 year in 2013, please pay me for  
25 unused vacation time. Canal did not



1 T. HARVEY

2 have a policy for getting reimbursed  
3 for unused vacation time, but Ms.  
4 Robinson apparently did that without  
5 permission.

6 With respect to 2014, Ms.  
7 Robinson submitted, again, an e-mail  
8 in sum and substance to Mr. Tasch  
9 stating that she had zero used  
10 vacation days, and asked to be  
11 reimbursed or paid for those quote,  
12 "unused vacation days."

13 With respect to 2015, Ms.  
14 Robinson sent an e-mail to Michael  
15 Tasch at Berdon stating that she had  
16 not used any vacation days. She  
17 said she used zero vacation days.  
18 And asked to be paid for those  
19 quote, "unused vacation days."

20 In 2016, Ms. Robinson,  
21 again, sent an e-mail to Mr. Tasch  
22 and stated that she had used zero  
23 vacation days, and as a result  
24 wanted to be paid for the quote,  
25 "unused vacation days."

1 T. HARVEY

2 In 2016, Ms. Robinson sent  
3 an e-mail to Mr. Tasch stating that  
4 she had zero in terms of used  
5 vacation days, and asked to be paid  
6 for the unused vacations.

7 In 2016, she did the same  
8 thing.

9 In 2017, Ms. Robinson said  
10 she sent an e-mail to Mr. Tasch  
11 stating that she had not used any  
12 vacation days and asked to be paid  
13 when she was for all those vacation  
14 days.

15 In 2017, Ms. Robinson sent  
16 Mr. Tasch an e-mail stating that she  
17 had used zero vacation days and  
18 asked to be paid for them.

19 In 2018, Ms. Robinson once  
20 again sent an e-mail to Mr. Tasch  
21 saying that she had used, quote,  
22 "zero vacation days" and asked to be  
23 paid for them.

24 With respect to Philip's  
25 Flowers, Ms. Robinson submitted for

1 T. HARVEY

2 reimbursement charges she made at  
3 the store in New York City, known as  
4 Flowers by Philip, located at 13-11  
5 Lexington Avenue. She charged for  
6 flowers that she took to her home,  
7 but charged Canal and/or Mr. De Niro  
8 for those flowers. The statements  
9 that those flowers were business  
10 associated expenses were false.

11 With respect to Whole  
12 Foods, Dean & DeLuca, and those  
13 types of entities, stores that did  
14 not have -- are not considered  
15 restaurants, but provided takeout  
16 food, Ms. Robinson, since 2013,  
17 submitted receipts with respect to  
18 those types of stores. I can go  
19 through each receipt if necessary.  
20 And stated they were a quote,  
21 "business expense." When, in fact,  
22 they were for her personal  
23 nonbusiness associated food.

24 With respect to  
25 restaurants, specifically, for

1 T. HARVEY

2 example, Paola's, Ms. Robinson  
3 consistently submitted bills and was  
4 reimbursed by Canal for dinners that  
5 she had that were not associated  
6 with Canal's business or Mr. De  
7 Niro's business, but were personal.  
8 And Ms. Robinson submitted those --  
9 those statements that they were  
10 associated with Canal were false and  
11 she received payment for those.

12 With respect to taking a  
13 trip to California, she told Mr. De  
14 Niro that she had to go to  
15 California with respect to getting  
16 certain books, specifically Taxi  
17 Driver anniversary books signed by  
18 certain individuals in California,  
19 and that the individuals can sign  
20 them, and she would take them to  
21 California because it was too  
22 difficult or expensive for the books  
23 to be shipped, and thereafter  
24 brought to the individuals located  
25 in California, that was a lie.

1 T. HARVEY

2 Ms. Robinson, thereafter,  
3 flew out on Canal's dime, so to  
4 speak, to California, first class,  
5 of course, and stayed at the Montage  
6 Hotel. Again, because she told Mr.  
7 De Niro it was work related. That  
8 statement was false.

9 Ms. Robinson got into a  
10 leased vehicle because she said she  
11 needed the vehicle to take around  
12 the books, which she didn't have.  
13 That statement was false.

14 Thereafter, Ms. Robinson  
15 used Ubers and charged them to  
16 Canal, even though she had a leased  
17 vehicle there, and submitted that  
18 expense to Canal representing it was  
19 a business expense, which it wasn't.

20 Ms. Robinson then for that  
21 night went to Nobu in Los Angeles  
22 and charged a substantial dinner  
23 taking her friend Amelia Brain out  
24 for her birthday dinner, which was  
25 the true reason she went to

1 T. HARVEY

2 California.

3 Ms. Robinson also lied to  
4 Mr. De Niro when she said she was  
5 going out to California because one,  
6 she didn't have the Taxi Driver  
7 books. Two, her new or latest false  
8 claim that she went out for Toukie  
9 Smith was also a lie because there  
10 is documentation that shows that, in  
11 fact, Ms. Smith already had a  
12 reservation and had previously  
13 stayed at the hotel.

14 With respect to the gift  
15 cards, Ms. Robinson has over the  
16 course of six years, or thereabouts,  
17 spent an incredible sum at  
18 Lululemon, Bloomingdale's, Ralph  
19 Lauren, and Sony on gift cards. She  
20 told Mr. De Niro and others that she  
21 was using those gift cards to give  
22 as presents, when, in fact, Ms.  
23 Robinson was doing it to enrich  
24 herself. She enjoyed those stores  
25 and shopped at those stores all of

1 T. HARVEY

2 the time.

3 With respect to electronic  
4 equipment, Ms. Robinson specifically  
5 said she needed various computers,  
6 iPhones, et cetera, and submitted  
7 reimbursement after purchasing them  
8 -- and/or purchasing them directly  
9 on the American Express or other  
10 cards of Canal. The statements that  
11 they would be used for Canal were  
12 false. She was actually using them  
13 for herself.

14 With respect to camera  
15 equipment, again, Ms. Robinson said  
16 that camera equipment was needed for  
17 Canal, and, in fact, she took the  
18 merchandise and used at home.  
19 Again, it was a false statement.

20 With respect to the various  
21 other trips, Ms. Robinson has  
22 consistently and repeatedly made  
23 false statements about what she was  
24 doing and where she was doing it.  
25 Give me a second. I am sure there

1 T. HARVEY  
2 is quite a bit more. So in terms of  
3 every statement I would have to look  
4 at each Uber receipt, each Flowers  
5 by Philip receipt, each Whole Foods  
6 receipt, Dean & DeLuca receipt, each  
7 airline receipt, each air mile  
8 transfer of air miles receipt. I  
9 would have to look at a lot more  
10 documentation to give you specifics  
11 on each transaction because there  
12 was hundreds, if not thousands, of  
13 false statements and false  
14 reimbursements sought and paid by  
15 Ms. Robinson.

16 And of course, my favorite,  
17 the Netflix. Ms. Robinson, falsely  
18 has testified in this case and  
19 certainly told us that she was, in  
20 fact, not watching Netflix, when we,  
21 in fact, know she was.

22 Q. I would like to turn to  
23 Canal's allegations concerning  
24 vacation pay.

25 A. Sure.



1 T. HARVEY

2 Q. The allegations concerning  
3 vacation pay span the years 2014  
4 through 2018.

5 Is that correct?

6 A. Are you talking about in  
7 the Complaint, in the State Court  
8 action, or are you talking about the  
9 Counterclaims in the federal action?

10 Q. Are there any differences  
11 with respect to that issue?

12 A. I am just asking which one  
13 are you referring to?

14 Q. So the claims that Canal  
15 has made against Ms. Robinson  
16 concerning vacation pay, span the  
17 years 2016 through 2018, is that  
18 correct?

19 A. With respect to what  
20 document?

21 Q. So if -- either in the  
22 State Court action or in the  
23 Counterclaims, my understanding is  
24 that those are the same.

25 A. Well, I am looking at the

1 T. HARVEY  
2 State Court action, and it says,  
3 just so we are clear, "In or about  
4 2014 Ms. Robinson submitted the  
5 false vacation pay" but it doesn't  
6 mean it -- it precluded, but we can  
7 have that legal argument with  
8 respect to 2013. I am looking at  
9 the Complaint so ask away.

10 Q. Okay.

11 My question is, Canal's  
12 allegations concerning vacation pay  
13 span the years 2014 through 2018, is  
14 that correct?

15 A. The document speaks for  
16 itself. I would disagree with your  
17 characterization, but we don't have  
18 to have that argument.

19 Q. Identify for me the time  
20 period that Canal's allegations  
21 concerning vacation pay spans?

22 MR. DROGIN: If you want  
23 we can stipulate to it since  
24 it's the in Complaint.

25 MS. HARWIN: Okay. So

1 T. HARVEY

2 Counsel, can we stipulate  
3 that Canal's allegations  
4 concerning vacation pay span  
5 the years 2014 through 2018?

6 MR. DROGIN: Stipulate to  
7 Paragraph 49 to 54 of the  
8 State Court Complaint. If  
9 you want to show us the  
10 Counterclaims, we can look to  
11 the identical paragraphs in  
12 the Counterclaims. For a  
13 factual assertion, Paragraph  
14 54 of the State Court claim,  
15 says, "As a result of the  
16 foregoing, Robinson collected  
17 in excess of \$70,000 by  
18 falsely claiming that she had  
19 not used 96 vacation days  
20 between 2014 and 2018."

21 It is -- we can stipulate  
22 to it. It is already on the  
23 record.

24 MS. HARWIN: Yeah. This  
25 isn't a trick question. This

1 T. HARVEY

2 is just confirming what is  
3 there.

4 Q. Again, you are the 30(b)(6)  
5 witness on the facts and  
6 circumstances that led to the State  
7 Court action.

8 I just want to confirm when  
9 we are talking about the vacation  
10 pay allegations, we are talking  
11 about representations in the years  
12 2014 to 2018, is that correct?

13 A. With respect to this  
14 Complaint, yes.

15 Q. Canal paid certain  
16 employees back for their unused  
17 vacation days going back as far as  
18 -- going back as far as 2009,  
19 correct?

20 A. As far as 2009, I couldn't  
21 be sure of that.

22 Q. For how many years was  
23 Canal paying back certain employees  
24 for their unused vacation days?

25 A. I can tell you from -- in

1 T. HARVEY  
2 or about 2013, through April 6,  
3 2019, Canal Productions paid Michael  
4 Kaplan and Graham Chase Robinson for  
5 unused vacation days.

6 MR. DROGIN: I would also  
7 point out this is Paragraph 1  
8 of the 30(b)(6). So the  
9 witness has not been  
10 designated as a 30(b)(6)  
11 witness for these questions.

12 MS. HARWIN: This is  
13 background facts that speak  
14 to the facts and  
15 circumstances upon which the  
16 State Court lawsuit was  
17 based.

18 MR. DROGIN: That may be  
19 so, but this is not what the  
20 witness has been designated  
21 to answer. Would you mind if  
22 we took a five-minute  
23 restroom break?

24 MS. HARWIN: Yes. Why  
25 don't we return at 11:22?

1 T. HARVEY

2 THE VIDEOGRAPHER: The  
3 time is now 11:17 a.m. We  
4 are now off the record.

5 (Whereupon, a recess was  
6 taken at this time.)

7 THE VIDEOGRAPHER: The  
8 time is now 11:25 a.m. and we  
9 are back on the record.

10 Q. Mr. Harvey, please identify  
11 the date of each alleged vacation  
12 that Canal contends Plaintiff  
13 improperly received compensation for  
14 on days when Canal contends she did  
15 not work?

16 A. So, for example, you are  
17 asking in 2014, when I say that Ms.  
18 Robinson submitted reimbursement for  
19 to be paid for unused vacation days,  
20 you want me to tell you what  
21 exactly?

22 Q. I am asking you to identify  
23 the date of each alleged vacation  
24 that Canal contends Plaintiff  
25 improperly received compensation for

1 T. HARVEY

2 on days when Canal contends she was  
3 not working?

4 MR. DROGIN: Objection to  
5 the form.

6 A. Yeah. So Ms. Robinson  
7 would submit basically saying she  
8 took, quote, "zero vacation days."  
9 So there is nothing in that, but you  
10 want me to tell you, I think, when  
11 she did, in fact, take vacation  
12 days, is that it?

13 Q. Identify the dates when  
14 Canal contends that Plaintiff was on  
15 vacation, not working, and  
16 improperly received compensation  
17 for?

18 MR. DROGIN: Objection.  
19 Objection to the form. Just  
20 it is subject to your  
21 instruction that this is to  
22 the best of the witness's  
23 recollection and are you  
24 offering to put any documents  
25 in front of him?

1 T. HARVEY

2 MS. HARWIN: Well, he is  
3 the Rule 30(b)(6) witness so  
4 he is -- you know, had an  
5 obligation to prepare for his  
6 testimony.

7 Q. If there are any documents,  
8 Mr. Harvey, that you would like to  
9 look at to identify these dates, let  
10 us know.

11 MR. DROGIN: I don't  
12 think the idea of a 30(b)(6)  
13 witness is to be a memory  
14 exam. If there are documents  
15 that he wants to refer to,  
16 are you going to provide it  
17 to him?

18 MS. HARWIN: I just  
19 offered that. So if he has  
20 any documents that he would  
21 like to refer to, let us  
22 know.

23 A. I have plenty of documents  
24 that I would like to refer to,  
25 specifically, e-mails between Ms.



1 T. HARVEY

2 Robinson as others that state such  
3 things as, "I am going on vacation.  
4 I am having a nice vacation. My  
5 vacation was very good." I would  
6 have to start pulling those.

7 Q. Prior to Canal filing its  
8 lawsuit, did it identify the dates  
9 of alleged vacations when Ms.  
10 Robinson was not working?

11 A. Yes.

12 Q. Okay.

13 And so are you able to pull  
14 that up now to identify the dates of  
15 the alleged vacations when Canal  
16 contends Ms. Robinson was not  
17 working?

18 A. Yes.

19 MR. BENNETT: From the  
20 50,000 pages we produced or  
21 from elsewhere?

22 MS. HARWIN: If Mr.  
23 Harvey has the ability to  
24 pull it up.

25 A. Yes, I do have the ability.

1 T. HARVEY

2 Q. Okay.

3 So why don't we take a  
4 break? Why don't you pull up  
5 whatever document it is that you  
6 need to refer to.

7 And how long do you need,  
8 Mr. Harvey?

9 A. About two hours.

10 MR. DROGIN: That is what  
11 I was going to say, too.

12 Q. You need two hours to be  
13 able to identify the vacation days?

14 A. Well, I have identified  
15 them already. Now I have to go and  
16 search for documents.

17 Q. Do you have that pulled  
18 together in any place?

19 A. I am sure I have it, quote,  
20 "pulled together" in many places.  
21 But I am at home, and I don't have  
22 necessarily access to all of these  
23 documents. If you had told me, I  
24 would have brought them.

25 Q. Mr. Harvey, you were

1 T. HARVEY  
2 designated as the Rule 30(b)(6)  
3 witness on these topics.

4 MR. BENNETT: That  
5 doesn't mean that you can  
6 depose somebody and ask them  
7 to pinpoint out of the 65,000  
8 pages of documents that have  
9 been produced, which supports  
10 every single nuance of a  
11 claim. That is not a  
12 30(b)(6).

13 MS. HARWIN: I am  
14 offering him the opportunity  
15 to look at a document if he  
16 would like.

17 MR. BENNETT: He said he  
18 needs two hours to do it.

19 Q. So Mr. Harvey, prior to the  
20 filing of the State Court lawsuit,  
21 did Canal pull together in a single  
22 place a list of dates when Plaintiff  
23 was alleged to be on vacation and  
24 not working during the years 2014  
25 through 2018?

1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form. That is -- that is  
4 -- hold on. That is  
5 privileged. That is work  
6 product. That is pulling  
7 together documents in  
8 anticipation of litigation.  
9 You are asking him what Canal  
10 did to prepare its Complaint,  
11 and you have the answers to  
12 this question. You have the  
13 documents.

14 MS. HARWIN: So we are  
15 entitled to the factual  
16 information compiled by  
17 Canal. And so if Canal  
18 created a compilation of  
19 those alleged dates, we are  
20 entitled to know that and we  
21 are entitled to see that.

22 MR. DROGIN: Well, I  
23 don't believe --

24 (Simultaneous speaking)

25 A. You have already been

1 T. HARVEY

2 provided with the, quote, "documents  
3 and information." You received the  
4 e-mails with respect to either you  
5 already had in your possession or  
6 the documents that Canal had in its  
7 possession, or Mr. De Niro. And you  
8 certainly have Ms. Robinson's.

9 In addition, I believe you  
10 have in possession documents related  
11 to air travel, reimbursements, et  
12 cetera. If in those documents you  
13 can find where Ms. Robinson was, for  
14 example, when she was in California  
15 on her rant with her friend Amelia  
16 throwing a birthday party, I would  
17 count those as, quote, "vacation  
18 days." That Friday, Saturday Sunday  
19 and month would be four days of  
20 vacation days that she used and said  
21 she didn't use. I would now have to  
22 go get the e-mails where Chase makes  
23 the reservation, where she pays the  
24 Montage, where she leases the car,  
25 where she orders dinner at Nobu,

1 T. HARVEY

2 where she orders a second dinner at  
3 Nobu, where she gets the gift --

4 Q. Mr. Harvey, I am simply  
5 asking --

6 A. I am not done yet. I am  
7 not done yet. Don't speak over me.  
8 You asked a question. I am  
9 answering it.

10 Q. Mr. Harvey, do not yell.

11 A. No. Don't speak over me.

12 Q. Mr. Harvey, do not yell.

13 A. Don't speak over me. I  
14 have to yell because you are  
15 interrupting me. I would have to --

16 Q. You do not have to yell.

17 A. Ms., do not speak over me.  
18 I would have to go get all of those  
19 documents in that one instance to  
20 prove those four days. Now we had  
21 them. I didn't know you wanted me  
22 to provide you with my attorney work  
23 product.

24 MR. DROGIN: That is  
25 Canal's objection here. You

1 T. HARVEY

2 are asking him to recreate  
3 the work product. You have  
4 the documents.

5 MS. HARWIN: So we are  
6 entitled to the factual  
7 information that was compiled  
8 as part of purported  
9 investigation into Ms.  
10 Robinson. And I am asking  
11 whether there was such a  
12 compilation created. So if  
13 the answer is no, that can be  
14 the answer. But we are  
15 entitled to know either way.

16 A. I just told you the answer  
17 was yes. Yes.

18 Q. Okay.

19 So Canal created a  
20 compilation of the dates when Canal  
21 contends Ms. Robinson was on  
22 vacation and not working, is that  
23 correct?

24 MR. DROGIN: Objection.

25 Q. Mr. Harvey, can you

1 T. HARVEY

2 continue your answer?

3 MR. DROGIN: There is an

4 objection based on privilege.

5 A compilation prepared by

6 Canal at the direction of

7 Counsel to substantiate a

8 claim that is brought forward

9 in a lawsuit is privileged.

10 You said it yourself. It is

11 a compilation. You have the

12 underlying documents. The

13 witness has explained to you

14 what has been done to make

15 that determination. You are

16 now asking him to do the math

17 again for you. That is not

18 his job.

19 Q. Mr. Harvey, there is a

20 compilation Canal prepared of the

21 dates Canal claims Ms. Robinson was

22 on vacation and not working, is that

23 correct?

24 MR. DROGIN: Objection.

25 You are asking a 30(b)(6)



1 T. HARVEY  
2 witness to divulge confidence  
3 if Canal prepared it, and if  
4 it was at the direction of  
5 counsel preparing it for a  
6 lawsuit. You are not  
7 entitled to that. You are  
8 not even entitled to know  
9 whether or not that existed.  
10 It is work product. It is  
11 counsel working with a client  
12 to determine whether or not  
13 there is a claim. You are  
14 not entitled to that. You  
15 have the underlying document.  
16 I thought it was 75,000  
17 documents. It is very --

18 MS. HARWIN: Counsel,  
19 obviously we have a  
20 disagreement as to the  
21 applicable scope of  
22 privilege. And also, you  
23 know, what Mr. Harvey is  
24 supposed to be here providing  
25 competent testimony on. So

1 T. HARVEY

2 let me -- let me clarify.

3 MR. MERINGOLO: I'm

4 sorry. Is it possible that

5 the questions that we are

6 basically disputing to I

7 guess mark them or have the

8 court reporter mark them? We

9 can potentially revisit them

10 ourselves, being counsel at

11 the end of the deposition?

12 And, you know, I don't know

13 what would happen thereafter,

14 because to get into the

15 disputes -- listen, we all

16 could be wrong, we could be

17 partly right, all wrong. I

18 guess we have different

19 analysis on what the

20 privilege is. So I think if

21 -- if we can do that we will

22 be reasonable. It is just

23 hard to do the specific

24 things that we believe

25 attorney-client privilege in

1 T. HARVEY

2 real time right now.

3 MS. HARWIN: Madam Court

4 Reporter, are you able to

5 mark those privileges

6 disputes on an ongoing basis

7 so we can return to them

8 later?

9 THE COURT REPORTER:

10 Absolutely. Just one person

11 say to mark it for a ruling

12 and it will be marked.

13 Absolutely.

14 MR. DROGIN: On behalf of

15 Canal, you can mark whatever

16 you want for a ruling. I

17 will tell you that our

18 position is on the record. I

19 am not revisiting at the end

20 of this. If you want to have

21 a meeting and confer, if you

22 want to get a ruling from the

23 judge, that is your

24 prerogative. My position is

25 stated on the record right

1 T. HARVEY

2 now. If you want to discuss  
3 it with counsel, that is  
4 Canal's counsel, afterwards,  
5 you are free to do so. But I  
6 am not going to --

7 MS. HARWIN: We can  
8 discuss it during a break.  
9 Why don't we proceed?

10 Q. So Mr. Harvey, to the best  
11 of your ability, identify all dates  
12 for -- all dates when Canal contends  
13 Ms. Robinson was on vacation and not  
14 working in 2014 to 2018?

15 MR. DROGIN: Objection to  
16 the form.

17 A. Yeah. I would have to go  
18 through all of the e-mails, all the  
19 credit card statements, all of the  
20 air miles, et cetera, to show the  
21 Court and the jury, which we will,  
22 that, for example, she was in London  
23 or let's take Hawaii. She went to  
24 Hawaii. She was supposed to meet a  
25 friend there. The friend didn't

1 T. HARVEY

2 show up. She was supposed to stay  
3 for a week or ten days, whatever the  
4 documents say. She left early  
5 because her friend didn't show up  
6 and she charged Canal saying that,  
7 in fact, she wasn't on vacation. To  
8 pinpoint those exact dates, I would  
9 look at documents. There is just  
10 too much material for me off the top  
11 of my head to tell you.

12 But, in general, there are  
13 e-mails in your possession and other  
14 documents in your possession that  
15 show Ms. Robinson sitting in a hotel  
16 outside of New York State on  
17 vacation each year from 2014 through  
18 2018.

19 Q. Sitting here today, can you  
20 identify with any specificity the  
21 documents on which Canal based its  
22 claim that Ms. Robinson had  
23 improperly sought reimbursement for  
24 vacation days?

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form.

3 A. I apologize. I thought I  
4 just answered that. When you say  
5 the documents that we based our  
6 claims on, we based our claims on  
7 e-mails authored by Ms. Robinson,  
8 that said such things as, "Hey,  
9 don't forget I am on vacation. Hey,  
10 I am on vacation. Hey, I had a  
11 great vacation. Hey, I am going to  
12 on vacation with such and such."  
13 Those e-mails together with hotels  
14 often billed back to Canal, together  
15 with reimbursements for Ubers, for  
16 example, in London when she was on  
17 vacation, together with  
18 reimbursements for food, I would  
19 have to take all those receipts,  
20 together with airline tickets and  
21 gather them to give them to you,  
22 which we will do at trial. I don't  
23 believe at -- off the top of my head  
24 I can repeat every date without a  
25 stack of documents.

1 T. HARVEY

2 Q. Other than e-mails of the  
3 type that you just described, was  
4 there any type of document or other  
5 information on which Canal based its  
6 claim that Ms. Robinson had  
7 improperly sought reimbursement for  
8 vacation days?

9 MR. DROGIN: Objection to  
10 the form. You can answer.

11 A. The problem with the  
12 question is you are misstating what  
13 I said. Limiting it to e-mails.  
14 I'm sorry. This could be the  
15 hospital.

16 MS. HARWIN: Let's go off  
17 the record while Mr. Harvey  
18 takes a phone call.

19 THE VIDEOGRAPHER: The  
20 time is 11:40 a.m. We are  
21 off the record.

22 (Whereupon, a recess was  
23 taken at this time.)

24 THE VIDEOGRAPHER: The  
25 time is now 11:40 a.m. We

1 T. HARVEY

2 are back on the record.

3 A. Yeah, I am just saying that

4 --

5 MR. DROGIN: Just so that

6 the record is clear, that was

7 a break of less than one

8 minute.

9 A. I am saying the way that

10 you proposed the question to me

11 presupposes that I am just talking

12 about e-mails. I am not just

13 talking about e-mails.

14 Q. Identify for me all types

15 of documents that Canal based its

16 claim that Ms. Robinson -- I'm

17 sorry. Let me restate that

18 question.

19 Identify for me all types

20 of document on which Canal based its

21 claims that Ms. Robinson had

22 improperly sought reimbursement for

23 vacation days?

24 MR. DROGIN: Objection to

25 the form.



1 T. HARVEY

2 A. Sorry. Say it again. All  
3 documents?

4 Q. All type of documents on  
5 which Canal based its claim that Ms.  
6 Robinson had improperly sought  
7 reimbursement for vacation days?

8 A. Right. But I -- I will. I  
9 just want to preface it, it is not  
10 only, quote, "documents." Putting  
11 that aside, I -- once again, in  
12 addition to e-mails, there would  
13 have been submissions in terms of,  
14 for example, reimbursement for  
15 hotel. So that is outside of your  
16 limitation of it being an e-mail.  
17 Receipts for food, receipts for  
18 Ubers, receipts for rented cars.  
19 There would have been reimbursements  
20 for petty cash that shouldn't have  
21 been taken. There would have been  
22 airlines tickets or tickets  
23 associated with getting airline  
24 tickets through Frequent Flyer  
25 Miles. There would have been

1 T. HARVEY  
2 telephone bills. There would have  
3 been Netflix receipts showing  
4 locations of people and what they  
5 were doing during their, quote,  
6 "vacation." There are a number of  
7 other materials outside the scope  
8 of, quote, "e-mails" that we will  
9 have at trial to show Ms. Robinson  
10 committed fraud.

11 MR. DROGIN: Can we also,  
12 Counsel, just to be clear,  
13 you have only marked the  
14 State Court Complaint, my  
15 understanding is you are  
16 limiting the question in time  
17 to when that Complaint was  
18 filed as opposed to the  
19 Counterclaims that came later  
20 after, for example, more than  
21 40 hours' worth of audio  
22 recordings. My understanding  
23 is that you are not asking  
24 about that additional  
25 information you learned in

1 T. HARVEY

2 that gap period. If that is  
3 wrong, we should clarify the  
4 record.

5 Q. Is there any additional  
6 information obtained since Canal  
7 filed its State Court lawsuit on  
8 which it now bases its claim that  
9 Ms. Robinson improperly sought  
10 reimbursement for vacation days?

11 MR. DROGIN: Objection.

12 A. Yes, we are going to hoist  
13 Ms. Robinson on her own petard. We  
14 are going to hoist Ms. Robinson on  
15 her own petard. On her own words in  
16 her own tape recordings that she  
17 made where she must have forgotten  
18 that she was recording herself,  
19 talking about vacations.

20 Q. Other than documents and  
21 recordings that you have referenced,  
22 was there any other information on  
23 which Canal has based its claim that  
24 Ms. Robinson improperly sought  
25 reimbursement for vacation days?

1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form.

4 A. Yes.

5 Q. What information is that?

6 MR. DROGIN: To be clear,  
7 are you talking about  
8 communications with counsel  
9 and witnesses?

10 MS. HARWIN: I am asking  
11 about what other information  
12 the claim is based on.

13 MR. DROGIN: Other than  
14 communication between counsel  
15 and witness, which obviously  
16 would be privileged.

17 MS. HARWIN: If there  
18 were interviews with  
19 witnesses, that would be  
20 included.

21 MR. DROGIN: I don't  
22 understand that.

23 Q. Mr. Harvey, identify what  
24 other information Canal contends it  
25 based its claim that Ms. Robinson

1 T. HARVEY

2 improperly sought reimbursement for  
3 vacation days?

4 A. Witness interviews.

5 Q. Okay.

6 Which witnesses were  
7 interviewed concerning Ms.  
8 Robinson's vacation days?

9 A. Off the top of my head,  
10 Amelia Brain, Michael Kaplan, Robin  
11 Chambers, Dan Harvey, Robert De  
12 Niro. I am sure I am missing  
13 people. Anyone associated with  
14 Canal during the period 2014 through  
15 2019.

16 Q. Did you take notes of those  
17 witness interviews?

18 A. No.

19 Q. You interviewed witnesses,  
20 but maintained no notes of what they  
21 said?

22 A. Yes.

23 Q. What did those witnesses  
24 say concerning Ms. Robinson's  
25 vacation days?

1 T. HARVEY

2 MR. MERINGOLO: Objection

3 to it is whoever he

4 represented in the past,

5 specifically, Mr. De Niro.

6 MR. DROGIN: And

7 objection to the form.

8 A. Well, I can give you in sum  
9 and substance because otherwise it  
10 -- there is too much cursing.

11 Essentially, in sum and  
12 substance, Mr. Kaplan said, yes.  
13 Chase Robinson -- excuse me, Graham  
14 Chase Robinson took vacation every  
15 year. And he proceeded to tell me  
16 looking at documents where she was  
17 and who she was with. Amelia Brain,  
18 for example, confirmed that she was  
19 in California celebrating Amelia's  
20 birthday during this time period.  
21 Who else do we have? Certainly  
22 Sabrina and Jillian Spear who work  
23 in the office could receive  
24 telephone calls from Ms. Robinson  
25 when she was on vacation. Sabrina

1 T. HARVEY

2 vividly remembers Ms. Robinson  
3 gloating about going to London. I  
4 don't have the date, but it was in  
5 2018 in the -- in the late  
6 summer/early fall. I would have to  
7 look -- once again, look at the --  
8 each specific trip to tell you off  
9 the top of my head. Oh, yes. And  
10 of course the day she took off to  
11 attend funerals or medical  
12 emergencies and apparently didn't  
13 charge those or indicate to anyone  
14 that they were vacation days.

15 Q. I'm going to drop into the  
16 chat Plaintiff's Exhibit 50, which  
17 is comprised of documents Bates  
18 stamped Robinson 0009964, 8625,  
19 9969, 9971, 8228, and 8096.

20 MR. MERINGOLO: I think  
21 this is 49.

22 MS. HARWIN: I'm sorry.

23 Thank you, Counsel. 49.

24 That is correct.

25 (Whereupon, Plaintiff's

1 T. HARVEY

2 Exhibit 49, comprised of  
3 documents Bates stamped  
4 Robinson 0009964, 8625, 9969,  
5 9971, 8228, and 8096, was  
6 marked for identification, as  
7 of this date.)

8 A. Sorry. I am having a  
9 problem.

10 MR. BENNETT: Give us a  
11 minute. It is a large file.

12 A. I may have to go back on.  
13 I can't get the screen back.

14 Q. It should be in the chat  
15 that appears on the bottom of your  
16 screen.

17 A. Yeah. I don't have the big  
18 screen anymore is my problem.

19 MR. MERINGOLO: Gallery,  
20 hit the gallery.

21 THE WITNESS: I have it  
22 down the side, but no other  
23 -- hold on. I think -- I am  
24 going to have log off and log  
25 right back in.



1 T. HARVEY

2 MS. HARWIN: We will go  
3 off the record.

4 THE VIDEOGRAPHER: The  
5 time is now 11:48 a.m. We  
6 are off the record.

7 (Whereupon, a recess was  
8 taken at this time.)

9 THE VIDEOGRAPHER: The  
10 time is now 11:51 a.m. We  
11 are back on the record.

12 Q. Mr. Harvey, have you had a  
13 chance to download Exhibit 49?

14 A. You are cutting out. Say  
15 it again.

16 Q. Have you had a chance to  
17 review Exhibit 49?

18 A. I can see that they are  
19 e-mails, but in, quote, "reviewing  
20 them," I haven't read them.

21 Q. Okay.

22 Take a moment to look over  
23 this document, and when you have had  
24 a chance to review it, let us know.  
25 And actually, as you are reviewing,

1 T. HARVEY

2 let me give you one question and  
3 then you can answer it when you are  
4 done reviewing.

5 Are these the documents  
6 containing Ms. Robinson's alleged  
7 misstatements concerning vacation  
8 pay on which Canal based its  
9 allegations against Ms. Robinson  
10 concerning vacation pay?

11 MR. DROGIN: Objection to  
12 the form.

13 A. When you say, "the  
14 documents," I'm not sure I would  
15 agree with that statement. They are  
16 some documents that are part of a  
17 number of documents.

18 Q. Are these the documents  
19 containing the alleged misstatements  
20 by Ms. Robinson concerning vacation  
21 days?

22 MR. DROGIN: Objection.  
23 I am not -- I am not clear  
24 that that is a question that  
25 is appropriate based on the

1 T. HARVEY  
2 attorney-client privilege.  
3 You are asking -- you are  
4 asking Canal the documents  
5 upon which its attorneys  
6 determined were sufficient to  
7 state a claim. I just want  
8 to think that through. I  
9 think it is privileged. You  
10 are wanting to know what  
11 documents the attorneys  
12 reviewed, assessed, and  
13 determined that there was a  
14 colorable claim.

15 MR. HARWIN: Let met --  
16 let me make this easier for  
17 everyone.

18 Q. In Canal's claims against  
19 Ms. Robinson, there are specific  
20 paragraphs that discuss alleged  
21 communications that Ms. Robinson had  
22 from 2014 to 2018 concerning  
23 vacation pay.

24 My question is, are the  
25 documents contained at Exhibit 49

1 T. HARVEY  
2 those communications that Canal  
3 referenced in its claims against Ms.  
4 Robinson concerning vacation days?

5 MR. DROGIN: We can  
6 stipulate they are among the  
7 documents. That is fair.  
8 These were reviewed by  
9 counsel, and those are among  
10 the documents upon which the  
11 claims were based, yes.

12 Q. Are there any documents not  
13 contained in exhibit --

14 A. Hold on. Hold on one  
15 second. That was Laurent answering  
16 not me.

17 Q. Okay.

18 A. I'm not sure -- I just want  
19 to make sure the record is clear  
20 because that was him not me. But go  
21 ahead.

22 Q. Do you agree with that?

23 A. I apologize, but it -- what  
24 is the question if they don't mind  
25 reading it back so I can actually

1 T. HARVEY

2 answer it?

3 Q. Let me sort of -- I think I  
4 can bring us back up to speed.

5 In Canal's claims against  
6 Ms. Robinson concerning vacation  
7 days, Canal references  
8 communications made by Ms. Robinson  
9 between 2014 and 2018 to Canal's  
10 accountant concerning vacation days,  
11 is that correct?

12 A. I would have to look at the  
13 Complaint. I don't have any reason  
14 to doubt you, but I would have to  
15 read the Complaint right now. If  
16 you want to direct me, I don't want  
17 to waste your time.

18 Q. In paragraphs 49 to 54 that  
19 Mr. Drogin referenced previously,  
20 there is reference to communications  
21 between Ms. Robinson and Canal's  
22 counsel, correct?

23 A. Again, I would have to look  
24 at the Complaint unfortunately. Do  
25 you want to put the Complaint up for

1 T. HARVEY

2 a second? Are you waiting on me?

3 Q. Yes.

4 A. Do you want me to pull up  
5 the Complaint?

6 Q. If you need to look at it.

7 A. Now I have to figure out  
8 how to get to it.

9 MR. MERINGOLO: It is  
10 number two in the --

11 MR. DROGIN: You are  
12 asking him a specific  
13 question about specific  
14 paragraphs in the Complaint?

15 MS. HARWIN: I'm sorry?

16 MR. DROGIN: You asked  
17 him questions about -- you  
18 asked him a question about  
19 certain specific paragraphs  
20 in the Complaint?

21 MS. HARWIN: After a lot  
22 of the other questions, that  
23 is right.

24 A. I am unfortunately having  
25 problems with pulling it up.

1 T. HARVEY

2 Q. Why don't we take a break  
3 and you can pull up whatever  
4 documents you need to look at?

5 A. Okay.

6 THE VIDEOGRAPHER: The  
7 time is now 11:58 a.m. We  
8 are off the record.

9 (Whereupon, a recess was  
10 taken at this time.)

11 THE VIDEOGRAPHER: The  
12 time is now 12:08 p.m. We  
13 are back on the record.

14 Q. Mr. Harvey, turning your  
15 attention back to Exhibit 49, are  
16 these the e-mails that are  
17 referenced in Paragraphs 49 through  
18 53 of Canal's Complaint against Ms.  
19 Robinson?

20 A. I would say that -- that  
21 the answer is that the e-mails --  
22 the e-mails that are referenced in,  
23 for example, Paragraph 51, it is  
24 referenced in there with respect to  
25 the number of pages she submitted to

1 T. HARVEY

2 Mr. Tasch. I assume Mr. Tasch, but  
3 yeah.

4 Q. Mr. Harvey, can you speak  
5 more loudly please?

6 A. I can. I am saying that  
7 with respect to -- the Complaint  
8 saying that Ms. Robinson sent  
9 e-mails to -- referencing her number  
10 of days, that certainly is part of  
11 the e-mails that are being  
12 referenced.

13 Q. Are there any e-mails in  
14 which Ms. Robinson claimed  
15 reimbursement for vacation days that  
16 constitute part of Canal's claims  
17 that are not contained in  
18 Plaintiff's Exhibit 49?

19 MR. DROGIN: Objection to  
20 the form.

21 A. You got me on that one. I  
22 don't know what you just said.

23 Q. Are there any e-mails in  
24 which Ms. Robinson claimed vacation  
25 days that are part of -- I'm sorry.



1 T. HARVEY

2 Let me -- let me restate that.

3 Were there any other  
4 communications between 2014 and  
5 2018, in which Ms. Robinson claimed  
6 reimbursement for vacation days that  
7 are not included in Exhibit 49?

8 MR. DROGIN: Objection to  
9 the form.

10 A. I -- I just think the  
11 question is convoluted. There are  
12 other e-mails in -- that have been  
13 produced and that I have seen in  
14 which Ms. Robinson claims that she  
15 did not take a vacation.

16 However, were those  
17 submitted to Michael Tasch? I don't  
18 know. In terms of her trying to get  
19 reimbursed for unused vacation days.  
20 So I'm not sure if that answers your  
21 question or not.

22 Q. Did you -- well, let me ask  
23 it differently.

24 You testified about  
25 interviewing Mr. De Niro as a

1 T. HARVEY  
2 witness concerning reimbursements to  
3 Ms. Robinson for unused vacation  
4 days. Is that correct?

5 A. Yes.

6 Q. Tell me everything that Mr.  
7 De Niro stated concerning the  
8 circumstances in which Ms. Robinson  
9 was authorized to be paid for unused  
10 vacation days?

11 MR. DROGIN: Objection to  
12 the form.

13 MR. MERINGOLO: Objection  
14 to privilege with the word  
15 everything.

16 MR. DROGIN: Objection to  
17 the form.

18 A. You are asking about my  
19 conversations with Mr. De Niro?

20 Q. Yes. Concerning this  
21 topic.

22 MR. DROGIN: Objection to  
23 the form.

24 A. In substance, he said,  
25 "Chase is full of shit. She took

1 T. HARVEY

2 vacation."

3 Q. What did Mr. De Niro say  
4 about circumstances in which Ms.  
5 Robinson was authorized to be paid  
6 for unused vacation days?

7 MR. BENNETT: Objection.

8 Just to clarify here, are you  
9 asking about questions prior  
10 to -- in the -- in the weeks  
11 or months preceding  
12 commencement of the State  
13 Court action, or going back  
14 to 2014, 2015, '16, et  
15 cetera?

16 MS. HARWIN: During the  
17 course of the purported  
18 investigation in the lead up  
19 to the State Court action.  
20 That is what my question is  
21 concerning.

22 MR. DROGIN: How is this  
23 not privileged?

24 MS. HARWIN: The Court  
25 has held that where

1 T. HARVEY  
2 investigation is raised as a  
3 support for counterclaim as  
4 is here, any privilege is  
5 waived as the factual  
6 information uncovered --

7 (Simultaneous speaking)

8 MS. HARWIN: Mr. Harvey  
9 interviewed Mr. De Niro as a  
10 fact witness and so we are  
11 asking about the facts  
12 uncovered.

13 MR. BENNETT: You are  
14 asking his personal lawyer  
15 what Mr. De Niro allegedly  
16 said to him in so far as it  
17 related to seeking legal  
18 advice. So to the extent Mr.  
19 De Niro was conveying  
20 information in the course of  
21 asking for legal advice,  
22 which is consistent with the  
23 Court's opinion, I direct Mr.  
24 Harvey not to answer the  
25 question as it relates to Mr.

1 T. HARVEY

2 De Niro.

3 MS. HARWIN: My question  
4 is about factual information  
5 conveyed by Mr. De Niro  
6 during an interview.

7 Q. So tell me everything that  
8 Mr. De Niro stated concerning the  
9 circumstances in which Ms. Robinson  
10 was authorized to be paid for unused  
11 vacation days?

12 MR. DROGIN: I join in  
13 that --

14 MR. MERINGOLO: That is a  
15 very broad question.

16 MR. BENNETT: Yeah.

17 MR. MERINGOLO: We can  
18 mark that if this is okay.

19 MS. HARWIN: Sure.

20 We can mark that.

21 MR. DROGIN: You can ask  
22 Mr. De Niro on what factual  
23 basis did you believe... to  
24 ask his attorney what he  
25 communicated, you are just

1 T. HARVEY  
2 asking for communications  
3 between attorney and client.  
4 As opposed to just asking the  
5 client what -- what facts  
6 caused you to believe.  
7 Right? You don't have to  
8 invade the attorney-client  
9 communications there.

10 Q. Tell me how long did your  
11 interview of Mr. De Niro concerning  
12 reimbursement to Ms. Robinson for  
13 vacation days last?

14 A. A minute.

15 Q. What did Mr. De Niro say in  
16 that minute?

17 MR. BENNETT: Don't  
18 reveal privileged  
19 information.

20 MR. MERINGOLO: It is a  
21 tough --

22 MR. DROGIN: Other than  
23 what has already been  
24 testified that she is full of  
25 shit? He already answered.

1 T. HARVEY

2 A. That sums it up.

3 Q. What were Mr. De Niro's  
4 words when you interviewed him about  
5 reimbursement to Ms. Robinson for  
6 vacation days?

7 MR. MERINGOLO: We have  
8 to object to that.

9 Q. Please answer.

10 MR. BENNETT: That is --  
11 I think that is what we just  
12 said we are going to mark for  
13 a ruling. It is the same  
14 question.

15 MS. HARWIN: The Court  
16 was clear that where an  
17 investigation is raised as  
18 support for Counterclaims, as  
19 it is here, any privilege is  
20 waived as there is factual  
21 information uncovered.

22 MR. BENNETT: That is the  
23 factual information. That is  
24 the point.

25 Q. Let me ask the question in

1 T. HARVEY

2 a different way.

3 When you interviewed Mr. De  
4 Niro concerning reimbursement to Ms.  
5 Robinson for vacation days, tell me  
6 all factual information that Mr. De  
7 Niro supplied?

8 MR. DROGIN: Objection.

9 Here is the problem. You are  
10 calling this an  
11 investigation. Every single  
12 time an attorney speaks with  
13 a client to gather  
14 information, to make a  
15 determination as to whether  
16 there is a legal claim, that  
17 is -- that is not waiving a  
18 privilege. That is not an  
19 investigation. That is an  
20 attorney and a client  
21 communicating with one other.  
22 What you are presupposing is  
23 that his communications are  
24 some form of investigation  
25 and, therefore, it is the



1 T. HARVEY

2 privilege of.

3 MS. HARWIN: Counsel, he  
4 already testified about doing  
5 an interview.

6 MR. DROGIN: I understand  
7 that. I understand that.  
8 But we are not opening doors  
9 here any wider than they have  
10 to be. I also -- there is  
11 also something that you are  
12 doing here that I find  
13 problematic. The -- when you  
14 are saying Canal relying on  
15 an investigation, I don't  
16 understand what you mean.  
17 Canal had an investigation,  
18 and brought an affirmative  
19 claim, just like any  
20 plaintiff does. You did an  
21 investigation with your  
22 client before bringing  
23 claims. Can I ask your  
24 client about communications  
25 that she had with you? You

1 T. HARVEY

2 would object, just like you  
3 did. It is the same thing.

4 MS. HARWIN: Well,  
5 Counsel, we are not  
6 revisiting the Court's ruling  
7 on this subject. Okay?

8 MR. DROGIN: Actually, I  
9 beg to differ. I think we  
10 have to.

11 MS. HARWIN: The  
12 deposition is not -- you  
13 know, if you have something  
14 that you want to take up with  
15 the Court, you can take it up  
16 with the Court. This is not  
17 an opportunity for a colloquy  
18 about revisiting the Court's  
19 ruling.

20 MR. DROGIN: It is a  
21 problem as to why we keep  
22 butting up into the  
23 attorney-client privilege  
24 because you are assuming that  
25 there is some investigation

1 T. HARVEY

2 that we are relying on.

3 Those are your words.

4 MR. MERINGOLO: You know

5 why -- I'm late to the party.

6 I am here for Tom.

7 Was there litigation with

8 respect to the privilege

9 itself?

10 MS. HARWIN: Yes. There

11 was a Motion to Compel and

12 the Court issued a ruling on

13 that. So it wasn't about

14 this deposition, but it

15 stated general legal

16 principals.

17 MR. MERINGOLO: But

18 maybe --

19 MS. HARWIN: Including

20 language that I quoted.

21 MR. DROGIN: Documents --

22 A. Hold on. There was a

23 one-minute conversation. I am sure

24 you can frame the question, Ms.

25 Harwin -- I am sure you can frame

1 T. HARVEY

2 the question regarding a one-minute  
3 conversation as to the -- the  
4 question. We can get on with this.

5 (Technical interference)

6 MR. MERINGOLO: You are  
7 frozen, Tom.

8 MS. HARWIN: We can't see  
9 you.

10 THE WITNESS: I am going  
11 to try a different --

12 MS. HARWIN: There we go.

13 THE WITNESS: Can you  
14 hear me now?

15 MR. MERINGOLO: Yes.

16 A. I was going to say why  
17 don't you just try rephrasing the  
18 question and we can get on with  
19 this?

20 Q. Okay.

21 When Mr. De Niro was  
22 interviewed, concerning  
23 reimbursements to Ms. Robinson for  
24 unused vacation days, what factual  
25 information did he share?

1 T. HARVEY

2 A. In our lawsuit we say Ms.  
3 Robinson was unauthorized or not  
4 entitled to do that. Mr. De Niro  
5 confirmed, as he says in the  
6 lawsuit, that Ms. Robinson was not  
7 allowed to get reimbursed for  
8 vacation days she didn't use because  
9 she actually went on the vacation.

10 Q. Was Mr. De Niro interviewed  
11 about specific conversations that he  
12 had with Ms. Robinson about vacation  
13 days?

14 A. You keep asking as if I am,  
15 quote, interviewed: I spoke to him.  
16 I wouldn't consider it an interview.  
17 But go ahead.

18 Q. Was Mr. De Niro questioned  
19 about conversations he had with Ms.  
20 Robinson about vacation days?

21 A. Mr. De Niro advised me that  
22 he knew Chase Robinson had went on  
23 vacation.

24 Q. Okay.

25 A. And -- he and he will

1 T. HARVEY

2 testify to that at trial.

3 Q. Okay.

4 And Mr. De Niro -- when you  
5 say that he testified that he knew  
6 Ms. Robinson -- I'm sorry.

7 When you -- when you  
8 reference Mr. De Niro knowing that  
9 Ms. Robinson took vacation, when --  
10 when did Mr. De Niro say that he had  
11 known that?

12 A. What day?

13 MR. DROGIN: Objection to  
14 the form.

15 Q. Over what period of time  
16 did he know that?

17 MR. DROGIN: Objection to  
18 the form.

19 MR. BENNETT: I don't  
20 understand the question.

21 A. You completely lost me on  
22 that one.

23 Q. Was -- let me rephrase.

24 Was the information that  
25 Ms. Robinson had been on vacation

1 T. HARVEY

2 something that was discovered after  
3 her employment ended, or was that  
4 something that Mr. De Niro knew on  
5 an ongoing basis during her  
6 employment?

7 MR. DROGIN: Objection to  
8 the form.

9 MR. BENNETT: Objection  
10 to the form.

11 A. You can certainly ask Mr.  
12 De Niro what he knew. I will tell  
13 you that Ms. Robinson certainly sent  
14 those e-mails to Berdon, so Berdon  
15 knew. I can tell you that they  
16 should not have been paid, and I  
17 certainly didn't know about it. And  
18 I don't believe Mr. De Niro was  
19 aware of it.

20 Q. You don't believe that Mr.  
21 De Niro was aware of what?

22 A. The e-mails that said she  
23 is requesting to be paid for  
24 vacation days Ms. Robinson actually  
25 used. And the fact that she was

1 T. HARVEY

2 actually paid for them. He  
3 considered that fraud, or defrauding  
4 him, or stealing from him.

5 Q. So turning your attention  
6 to Exhibit 49, these --

7 A. I can't hear you. Say it  
8 again.

9 Q. Turning your attention to  
10 Exhibit 49, these are e-mails that  
11 were sent by Ms. Robinson from 2014  
12 to 2018 concerning vacation days.  
13 Mr. De Niro was included on all of  
14 these e-mails Ms. Robinson sent  
15 about vacation pay from 2014 to  
16 2018, correct?

17 MR. BENNETT: Look  
18 through them all, Tom.

19 A. They say what they say.  
20 What do you want to know? What can  
21 I answer your question about?

22 Q. Was the answer yes, Mr. De  
23 Niro was included on all of the  
24 e-mails that Ms. Robinson sent about  
25 vacation pay from 2014 to 2018?



1 T. HARVEY

2 A. I can tell you on the first  
3 document that appears to be Mr. De  
4 Niro's e-mail, on the second  
5 document it appears to be Mr. De  
6 Niro's e-mail, on the third document  
7 it appears to be Mr. De Niro's  
8 e-mail, on the fourth one it appears  
9 that he is not on that e-mail as far  
10 as I can see.

11 Q. If you look down a little  
12 bit lower on the page?

13 A. I see that. And then the  
14 one below that I see his e-mail  
15 address, and the one below that I  
16 don't see his e-mail address. Oh, I  
17 see his name, but not his address.

18 Q. Prior to the end of Ms.  
19 Robinson's employment, did Mr. De  
20 Niro ever dispute Ms. Robinson's  
21 characterization of vacation days  
22 she was entitled to be paid back  
23 for?

24 A. Dispute the  
25 characterization, what does that

1 T. HARVEY

2 mean?

3 Q. Did Mr. De Niro ever  
4 dispute Ms. Robinson's  
5 characterization of the number of  
6 vacation days that she was  
7 authorized to be paid back for?

8 A. I have no idea what you are  
9 talking about. Characterization?  
10 How is he -- how is anyone  
11 characterizing anything?

12 Q. At any time before Ms.  
13 Robinson's employment at Canal  
14 ended, did anyone evaluate what Ms.  
15 Robinson said about the vacation  
16 days that she was entitled to be  
17 paid back for?

18 A. I have no idea what you  
19 mean by evaluate.

20 Q. Did anyone evaluate  
21 anything that Ms. Robinson said in  
22 the e-mails contained at Exhibit 49  
23 before her employment ended?

24 A. What do you mean by  
25 evaluate?

1 T. HARVEY

2 Q. Did anyone look into what  
3 Ms. Robinson was saying about  
4 vacation days in these e-mails from  
5 2014 to 2018?

6 A. Yes.

7 Q. Okay.  
8 How so?

9 A. How so did they look into  
10 them?

11 Q. Yes.

12 A. Sure. We went and checked,  
13 and realized she had taken vacation  
14 every year and lied about it.

15 Q. Prior to the end of Ms.  
16 Robinson's employment, did anyone do  
17 anything to look into what Ms.  
18 Robinson wrote in these e-mails  
19 prior to issuing payment?

20 A. Not to my knowledge.

21 Q. After Ms. Robinson sent  
22 these e-mails, from 2014 to 2018,  
23 that included Mr. De Niro, did Mr.  
24 De Niro ever dispute what Ms.  
25 Robinson was saying about the number

1 T. HARVEY

2 of vacation days that she should be  
3 paid for?

4 MR. DROGIN: Objection to  
5 the form.

6 A. Yes.

7 Q. What did he do to dispute  
8 that?

9 A. He instructed us to file a  
10 lawsuit for her stealing from him.

11 Q. Prior to the end of Ms.  
12 Robinson's employment at Canal, did  
13 Mr. De Niro ever dispute what Ms.  
14 Robinson had said about the vacation  
15 days that she was seeking to be paid  
16 back for?

17 MR. DROGIN: Objection to  
18 the form.

19 A. Say that again?

20 MS. HARWIN: You know  
21 what, Madam Court Reporter,  
22 can you read the question  
23 that preceded that?

24 (Whereupon, the requested  
25 portion was read back by the

1 T. HARVEY

2 reporter:

3 Q: What did he do to  
4 dispute that?)

5 MS. HARWIN: What was the  
6 question before that?

7 (Whereupon, the requested  
8 portion was read back by the  
9 reporter:

10 Q: After Ms. Robinson  
11 sent these e-mails, from 2014  
12 to 2018, that included Mr. De  
13 Niro, did Mr. De Niro ever  
14 dispute what Ms. Robinson was  
15 saying about the number of  
16 vacation days that she should  
17 be paid for?)

18 MR. DROGIN: Same  
19 objection to the form.

20 Q. After Ms. Robinson sent  
21 these e-mails, up until the time  
22 when her employment at Canal ended,  
23 did Mr. De Niro ever dispute what  
24 Ms. Robinson was saying about the  
25 number of vacation days that she

1 T. HARVEY

2 should be paid back for?

3 MR. DROGIN: Objection.

4 A. Yes.

5 Q. Okay.

6 How so?

7 A. She robbed me.

8 Q. When did he say that prior  
9 to the end of her employment?

10 A. You said at any time,  
11 right?

12 Q. I said at any time after  
13 this was sent, until her employment  
14 end.

15 MS. HARWIN: Madam Court  
16 Reporter, can you read back  
17 the question so the witness  
18 can answer?

19 (Whereupon, the requested  
20 portion was read back by the  
21 reporter:

22 Q: After Ms. Robinson  
23 sent these e-mails, up until  
24 the time when her employment  
25 at Canal ended, did Mr. De

1 T. HARVEY

2 Niro ever dispute what Ms.  
3 Robinson was saying about the  
4 number of vacation days that  
5 she should be paid back for?)

6 A. To the end of the  
7 employment, one, I don't know if  
8 these were sent. I assume they  
9 were. I don't know if Bob saw them.  
10 I don't think he did.

11 Regardless, he never said  
12 anything regarding this to me prior  
13 to the end of her employment.

14 Q. Did Canal do anything to  
15 crosscheck the days when Ms.  
16 Robinson was supposedly on vacation  
17 against the work that Ms. Robinson  
18 actually did for Canal on those  
19 days?

20 A. Yes.

21 MR. DROGIN: Objection to  
22 the form. Can you just  
23 clarify if you are talking  
24 about before or after her  
25 employment ended?

1 T. HARVEY

2 MS. HARWIN: Prior to --  
3 at any point prior to the  
4 filing of the litigation.

5 MR. DROGIN: That is  
6 different. In other words,  
7 if you are going to go into  
8 beyond her employment, when  
9 you know that they were  
10 looking into these things,  
11 that is different than the  
12 question that you asked  
13 before which is whether  
14 anybody looked at this before  
15 she resigned.

16 MS. HARWIN: Yes. This  
17 is a different question.

18 Q. So prior to filing the  
19 State Court lawsuit against Ms.  
20 Robinson, what did Canal do to  
21 crosscheck the dates where Ms.  
22 Robinson was supposedly on vacation  
23 against the work that she was  
24 performing for Canal on those days?

25 MR. DROGIN: Objection.



1 T. HARVEY

2 That -- that is privileged.

3 That is work product. If you  
4 are confining it before she  
5 resigned, then there is no  
6 objection. If you asking  
7 about the gap period between  
8 when she resigned and when  
9 the lawsuit was filed, that  
10 is the work product generated  
11 by the attorney/client  
12 communications to determine  
13 whether or not, in fact,  
14 there was a viable claim.

15 MS. HARWIN: This is the  
16 information -- what we are  
17 looking for is facts  
18 uncovered as part of the  
19 purported investigation.  
20 Something that the Court has  
21 held as not privileged. So  
22 -- or that the Court has held  
23 that privileged is waived as  
24 to that information.

25 MR. DROGIN: I don't

1 T. HARVEY  
2 agree with your  
3 characterization. I don't  
4 agree with your  
5 characterization. There is  
6 no investigation that is  
7 being relied on as a defense  
8 to your equal pay claims,  
9 your overtime claims, your  
10 retaliation claims, or the  
11 harassment claims. All you  
12 are doing here is you are  
13 invading the attorney-client  
14 privilege to find out what  
15 the attorneys did with their  
16 client to --

17 MS. HARWIN: Counsel, it  
18 was -- it was Canal's choice  
19 to designate an attorney as  
20 their Rule 30(b)(6) witness.  
21 We are entitled to ascertain  
22 facts and circumstances that  
23 led to the filing of the  
24 Complaint. And the Court has  
25 laid out parameters under

1 T. HARVEY  
2 which it has held that  
3 privilege has been waived by  
4 Canal. And so, you know, we  
5 can mark it for a ruling, but  
6 I don't know want to spend  
7 our time on the record with  
8 lengthy debates about what  
9 the Court has already said.  
10 I would urge Counsel to  
11 review the Court's ruling  
12 during a break, because I  
13 think it is very clear on  
14 aspects that Canal is now  
15 claiming or disputing.

16 MR. DROGIN: Let's --  
17 hold on. Hold on. Let's do  
18 this.

19 First of all, it doesn't  
20 matter who Canal designates  
21 as the 30(b)(6) witness. If  
22 it is privileged, it is  
23 privileged. We could have  
24 Donald Duck there. I agree  
25 with you, let's take a look

1 T. HARVEY

2 at what the Court says.

3 Maybe you are right. Maybe

4 you are wrong.

5 MS. HARWIN: So why don't

6 we do that? Why don't we

7 take a break. And Counsel, I

8 would refer you to page 22 of

9 the Court's ruling. You can

10 look at the entire ruling,

11 but I would refer you, among

12 other things, to page 22. So

13 why don't we go off the

14 record? Why don't we -- we

15 --

16 (Simultaneous speaking)

17 MS. HARWIN: I was going

18 to say, the time is 12:30.

19 Mr. Harvey, you can take a

20 lunch break, and why don't we

21 resume --

22 A. Listen, I don't need a

23 lunch break. The -- Pauly Herman

24 who I fully expect to be dead, who

25 is somehow still alive, I can almost

1 T. HARVEY  
2 guarantee you that in the next three  
3 to four hours he will be dead. I am  
4 not sure what is going to happen  
5 when that happens, and I don't want  
6 to -- I want to fulfill my  
7 commitment here so I would rather  
8 just keep going.

9 MS. HARWIN: So why don't  
10 we just take a 15-minute  
11 break? I want to be mindful  
12 of the court reporter. How  
13 much time do you need, Paige,  
14 for a break?

15 THE COURT REPORTER:  
16 Whatever works for you guys.

17 MS. HARWIN: Okay. So  
18 why don't we resume at 12:50?

19 MR. DROGIN: Just so we  
20 are clear, what is the date  
21 of the Decision to which you  
22 are referring?

23 MS. HARWIN: I don't have  
24 the date in front of me.

25 MR. MERINGOLO: Could

1 T. HARVEY

2 somebody send me the  
3 Decision? So I can read it.

4 MR. DROGIN: It is a  
5 decision to Motion to Compel  
6 Production of Documents?

7 MS. HARWIN: Yes. Okay.  
8 Thank you. Are we off the  
9 record?

10 THE VIDEOGRAPHER: The  
11 time is now 12:34 p.m. We  
12 are off the record.

13 (Whereupon, a recess was  
14 taken at this time.)

15 THE VIDEOGRAPHER: The  
16 time is now 12:52 p.m. We  
17 are back on the record.

18 MR. DROGIN: So we took a  
19 short break so that Counsel,  
20 or at least myself, could  
21 review the opinion referenced  
22 by Ms. Harwin regarding the  
23 privilege, and to quote Judge  
24 Parker, I don't know what you  
25 are talking about.

1 T. HARVEY

2 On page 22 of her  
3 opinion, which is dated March  
4 9th, 2022, document 171, at  
5 page 22, which is where you  
6 directed me, she wrote  
7 "Defendants denote five  
8 documents that concern their  
9 "investigation" regarding  
10 Plaintiff's allegations.  
11 Although it is true that a  
12 fact investigation is  
13 conducted at the direction of  
14 an attorney for purposes of  
15 rendering legal advice, can  
16 be protected by the  
17 attorney-client privilege,  
18 citing first Chicago versus  
19 United Exchange Company of 25  
20 Federal Rule Decision 55 at  
21 56 to 58, Southern District  
22 New York 1989, purpose of the  
23 fact investigation must be to  
24 aid the provision of legal  
25 advice.

1 T. HARVEY

2 However, where an  
3 investigation is raised as a  
4 support for a counterclaim,  
5 as it is here, any privilege  
6 is waived as to the factual  
7 information uncovered.

8 Communications with  
9 counsel without the factual  
10 information, however, would  
11 be protected. Citing Sparrow  
12 Fund Management LP versus  
13 MiMedx, M-I-M-E-D-X, Group,  
14 Inc., 2001 Westlaw 1930294."

15 The decision continues.  
16 I don't agree that we are  
17 raising an investigation into  
18 Court of the counterclaim,  
19 but that is not the issue and  
20 the basis for the objection  
21 here.

22 Factually, we have no  
23 problem with your discovering  
24 facts. But when you are  
25 asking about, quote,



1 T. HARVEY

2 "communications with counsel  
3 about the factual  
4 information..." that would be  
5 protected reading from the  
6 Court's decision.

7 So we stand by all of our  
8 objections based on privilege  
9 where your inquiry concerns  
10 communications between the  
11 attorney and the client. We  
12 are prepared to proceed.

13 MS. HARWIN: Obviously,  
14 we have a difference in  
15 interpretation as to what the  
16 scope is, but we will  
17 proceed --

18 (Simultaneous speaking)

19 MR. DROGIN: Why don't  
20 you state your position on  
21 the record so that if the  
22 Court is presented with the  
23 transcript we can understand  
24 the basis for your dispute or  
25 perhaps -- perhaps even by

1 T. HARVEY

2 saying it we would have a  
3 dialogue and reverse our  
4 position.

5 MS. HARWIN: Okay. Well,  
6 we are happy to have a  
7 dialogue on break, but right  
8 now we are proceeding with  
9 questioning.

10 Q. Mr. Harvey --

11 MR. DROGIN: You have  
12 been given the opportunity to  
13 explain your client's  
14 position on the record to  
15 preserve the argument here so  
16 the Court can review the  
17 transcript, you have  
18 declined. Please proceed.

19 MS. HARWIN: Counsel,  
20 that is not an accurate  
21 characterization. I think we  
22 have been clear about what  
23 our position is.

24 Q. Mr. Harvey, the American  
25 Express that Canal contends Ms.

1 T. HARVEY

2 Robinson improperly charged personal  
3 expenses on was the Canal credit  
4 card that beared Ms. Robinson's  
5 name, is that correct?

6 A. Well, there were other --  
7 you are trying to limit it. She  
8 used Canal American Express credit  
9 card to defraud Canal and Bob's  
10 associated credit cards. So I just  
11 don't want to limit it to the credit  
12 card or her credit card.

13 Q. Well, what specific credit  
14 cards does Canal contends Ms.  
15 Robinson improperly made charges on?

16 A. The Canal credit card  
17 associated with that, and credit  
18 cards associated with Robert De  
19 Niro.

20 Q. What specific credit cards  
21 associated with Mr. De Niro are you  
22 contending that Ms. Robinson  
23 improperly charged personal expenses  
24 to?

25 A. I thought I just told you,

1 T. HARVEY

2 but to be more specific there was  
3 several ways Ms. Robinson defrauded.

4 Q. Louder?

5 A. There are numerous ways  
6 that Ms. Robinson used credit cards  
7 associated with Robert De Niro, and  
8 Canal Productions, Inc., such as,  
9 using air miles associated with  
10 those cards, transferring them and  
11 using them for herself.

12 In addition, there are  
13 credit cards associated with, for  
14 example, on file at certain  
15 institutions or retailers that she  
16 used. And again, I would have to go  
17 through each card and walk you  
18 through, but she -- she had her own  
19 credit card, which she charged often  
20 and the most fraud was coming with  
21 credit card, but I don't want to  
22 limit it or I am not limiting it to  
23 just her specific card.

24 Q. What specific cards are you  
25 alleging were used improperly?

1 T. HARVEY

2 A. I'm sorry. Are you looking  
3 for credit card numbers?

4 Q. Credit card or some -- a  
5 credit card number or some other  
6 identifying characteristic, either  
7 by the name that appeared on the  
8 card, the type of card. But yes, I  
9 am asking you to identify with some  
10 specificity what the specific credit  
11 cards are that you contend were used  
12 improperly by Ms. Robinson?

13 A. Yes. The card issued in  
14 her name, the credit card issued in  
15 the name of Canal Productions or  
16 associated Canal Productions.  
17 Robert De Niro's American Express,  
18 et cetera. I don't have the cards  
19 in front of me.

20 Q. Were there any credit cards  
21 that are issued in the name of Canal  
22 Productions without being issued in  
23 the name of an individual?

24 A. Limited to just Canal  
25 Productions, no. But there were --

1 T. HARVEY

2 there is a -- we are splitting hairs  
3 here.

4 Ms. Robinson had a credit  
5 card issued to her that was billed  
6 to Canal Productions, so I consider  
7 that a Canal Productions credit  
8 card.

9 Q. Okay.

10 What specific credit cards  
11 were improperly used by Ms. Robinson  
12 according to Canal?

13 MR. DROGIN: Objection to  
14 the form.

15 A. I think you are looking for  
16 account numbers. I would have to go  
17 look them up.

18 Q. Can you identify them in  
19 any other way, even if it is not by  
20 providing account numbers? By the  
21 name on the card, by the type of  
22 card? Any way so that we can  
23 identify what the actual credit  
24 cards are that are at issue?

25 A. No. The credit cards that

1 T. HARVEY

2 are linked to Robert De Niro and/or  
3 Canal Productions. They are -- they  
4 are their names. They are the  
5 ultimate -- Canal Productions.

6 (Technical interference)

7 Q. Can you speak louder,  
8 please?

9 Mr. Harvey, your -- the  
10 sound broke up on your side.

11 A. Let me just double check my  
12 connect.

13 Q. Is Mr. Harvey frozen?

14 A. Now am I? I will try  
15 again. Am I back?

16 MR. MERINGOLO: Back.

17 A. Yes. You are asking me  
18 about the actual credit cards and  
19 the names on the specific credit  
20 cards. I would have to look at  
21 those credit cards. They all come  
22 back to Robert De Niro and/or Canal  
23 Productions, Inc.

24 Q. Okay.

25 I would ask you to look and

1 T. HARVEY

2 identify those for us after -- after  
3 a break. Would you like to do that  
4 now?

5 A. No, I don't have the credit  
6 cards.

7 Q. Okay.

8 What documents would you  
9 need to review in order to ascertain  
10 what those credit cards are that  
11 Canal claims Ms. Robinson used  
12 improperly?

13 A. Well, the easiest way is to  
14 get copies of the credit cards  
15 themselves.

16 Q. Which credit cards?

17 A. The credit cards we are  
18 talking about. The ones associated  
19 with Robert De Niro and/or Canal  
20 Productions, Inc.

21 Q. Okay.

22 As you sit here today, you  
23 can't identify with any specificity  
24 what Canal credit cards Canal  
25 contends Ms. -- let me restate that.



1 T. HARVEY

2 Sitting here today, you  
3 can't identify with any specificity  
4 any credit cards other than the  
5 credit card under Ms. Robinson's  
6 name that Canal contends Ms.  
7 Robinson improperly charge, is that  
8 correct?

9 MR. DROGIN: Objection to  
10 the form.

11 A. No, that is not correct.

12 Q. Okay.

13 Please identify with  
14 specificity then what those credit  
15 cards are?

16 MR. DROGIN: Objection to  
17 the form. What do you mean  
18 by specificity? You want the  
19 credit card number?

20 MS. HARWIN: Or some  
21 other identifying  
22 characteristic. Whether it  
23 is the name of the person  
24 under whose name the credit  
25 card appears, the type of

1 T. HARVEY

2 credit card.

3 A. I think we cleared up the  
4 credit card is an American Express.  
5 I think I said, and I will try to be  
6 more specific, that there were  
7 credit cards associated with Robert  
8 De Niro, specifically, American  
9 Express and Canal Productions, Inc.  
10 I don't remember off the top of my  
11 head the credit card number or  
12 account. It is easy enough to  
13 figure out. I don't have that  
14 information with me right now.

15 Q. Okay.

16 Can you figure out that  
17 information on a break and get back  
18 to us with the answer later this  
19 afternoon?

20 A. I believe you already have  
21 that information. You are asking me  
22 to do your work, no. We provided  
23 you with the credit card statements  
24 I believe associated with the theft.

25 Q. Mr. Harvey, you are the

1 T. HARVEY  
2 witness designated by Canal. And so  
3 we are entitled to ask you these  
4 questions to identify what the  
5 credit cards are that Canal contends  
6 were used improperly?

7 MR. DROGIN: He has done  
8 that, and you keep talking  
9 about specificity. If you  
10 want credit card numbers, I  
11 guess Canal can give you the  
12 credit card numbers. I don't  
13 know why you need to badger  
14 the witness about this.

15 MS. HARWIN: If he can  
16 identify in any manner,  
17 whether it is the name or the  
18 number, that is fine. Right  
19 now we are not getting any  
20 information.

21 MR. DROGIN: He answered  
22 that. This isn't a quiz. I  
23 couldn't tell you my own  
24 credit card number.

25 MS. HARWIN: You could

1 T. HARVEY  
2 probably tell me it is under  
3 your name.

4 MR. DROGIN: Yeah. He  
5 already explained whose name  
6 it is under. And you can  
7 count hundreds of pages of  
8 these credit card receipts,  
9 and --

10 MS. HARWIN: Counsel --  
11 counsel, I am asking Canal's  
12 witness. Okay?

13 Q. So is there any credit card  
14 name or -- let me restate that.

15 Which -- which -- can you  
16 identify the names that appeared on  
17 the credit cards that you contend  
18 Ms. Robinson used improperly?

19 A. On a credit card you have  
20 the credit card statement, you have  
21 the cards issued with respect to  
22 that account. Ms. Robinson had a  
23 credit card. I don't know the  
24 account number, but that credit card  
25 was a Canal Productions, Inc.,

1 T. HARVEY  
2 credit card. I don't know that  
3 account number off the top of my  
4 head. We have supplied you with  
5 hundreds of documents that has the  
6 account number. I am not done yet.  
7 Thank you.

8 In addition, I believe  
9 there are instances associated with  
10 Mr. De Niro's credit card issued to  
11 Robert De Niro, whether it has Bob,  
12 Robert, or whatever, I don't know  
13 what is on the physical credit card.  
14 I know the account numbers not off  
15 the top of my head.

16 Q. What charges does Canal  
17 contend Ms. Robinson improperly  
18 charged on Mr. De Niro's credit  
19 card, meaning, the credit card under  
20 Mr. De Niro's name?

21 MR. DROGIN: Do you want  
22 it line by line of every  
23 single card? I want to know  
24 if that is what you are  
25 really asking for.

1 T. HARVEY

2 MS. HARWIN: I am asking  
3 for an identification.

4 MR. DROGIN: You want a  
5 line by line replication of  
6 every -- of every charge that  
7 Canal claims? Is that what  
8 you are asking for?

9 MS. HARWIN: I am asking  
10 for a description.

11 MR. DROGIN: Okay. A  
12 description. Very clear.  
13 Description.

14 MS. HARWIN: Counsel, if  
15 the witness wants to provide  
16 it line by line, that is  
17 fine. If there is a general  
18 category that can be  
19 described, that is fine. As  
20 far as I know, it is news to  
21 us that there is any  
22 allegation concerning the  
23 credit card in Mr. De Niro's  
24 name, so I would like an  
25 identification of that -- or

1 T. HARVEY

2 a description of what that  
3 allegation is.

4 Q. So Mr. Harvey, please  
5 proceed.

6 A. Yeah. For example, the air  
7 miles. I believe there were certain  
8 air miles and other things that are  
9 associated with Mr. De Niro's card.  
10 In fact, I would have to look at the  
11 transaction sheet to figure that  
12 out.

13 Q. Other than SkyMiles, does  
14 Canal contend that Ms. Robinson  
15 improperly charged any expenses to  
16 the credit card under Mr. De Niro's  
17 name?

18 A. I would have to review  
19 thousands of documents in terms of  
20 the receipts to make sure what card  
21 it was associated with.

22 Q. The -- the Canal American  
23 Express card bearing Ms. Robinson's  
24 name was the main credit card used  
25 by -- used for expenses for Canal's

1 T. HARVEY

2 office and Canal office employees,  
3 is that correct?

4 A. Do we have a time period  
5 here?

6 Q. During the period from 2016  
7 to 2019, the Canal American Express  
8 under Ms. Robinson's name was the  
9 main credit card used for expenses  
10 for Canal's office and Canal office  
11 employees, correct?

12 A. I wouldn't necessarily  
13 agree with that statement. Are you  
14 asking if that credit card was used  
15 more often than the other credit  
16 card? Probably. But you are trying  
17 to make it -- two dimensional  
18 question. It is yay or nay. The  
19 credit card was used by the staff,  
20 yes. But there was another credit  
21 card, too, that they used.

22 Q. What was the other credit  
23 card that was used?

24 A. I would have to look at the  
25 credit card. They charged -- the



1 T. HARVEY

2 way it was supposed to work is one  
3 was for, quote, "business expenses"  
4 and one was, quote, "personal  
5 expenses," all relating to Robert De  
6 Niro. The idea being that rather  
7 than have the accountant delve into  
8 two different accounts, that they  
9 could split them into one, and  
10 segregate it for tax purposes. At  
11 least that was the general idea.

12 Q. And the -- the Canal  
13 American Express under Michael  
14 Kaplan's name was used primarily for  
15 expenses that were personal to Mr.  
16 De Niro and his family, correct?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I don't necessarily agree  
20 with that statement.

21 Q. What was the credit card  
22 that was used primarily for expenses  
23 that were personal to Mr. De Niro  
24 and his family?

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form.

3 A. You are looking for the  
4 account number?

5 Q. I am looking for any  
6 description.

7 A. Okay. You have the Kaplan  
8 credit card, I will describe it as,  
9 the one that Michael Kaplan had  
10 access to, and the Chase credit card  
11 that Chase generally had access to.  
12 And I guess what is your question  
13 regarding them?

14 Q. So you described business  
15 expenses being put on one credit  
16 card and personal expenses being put  
17 on another card. I am looking to  
18 identify the card. It was the Canal  
19 credit card under Michael Kaplan's  
20 name that was used primarily for  
21 expenses that were personal to Mr.  
22 De Niro and his family, correct?

23 A. No.

24 MR. BENNETT: He is not  
25 here for that purpose.

1 T. HARVEY

2 Q. Go ahead, Mr. Harvey.

3 A. I said I wouldn't agree  
4 with that statement.

5 Q. Okay.

6 What was the credit card  
7 that was used for expenses that were  
8 personal to Mr. De Niro and his  
9 family?

10 MR. BENNETT: Objection  
11 to the form.

12 A. They were both used for  
13 various reasons.

14 Q. Okay.

15 The -- Canal American  
16 Express in Ms. Robinson's name was  
17 used for various expenses for  
18 Canal's office and Canal's office  
19 employees, correct?

20 A. No.

21 Q. Okay.

22 What about that statement  
23 is incorrect?

24 A. It was used by Chase --  
25 Graham Chase Robinson to rob from

1 T. HARVEY

2 Canal and Robert De Niro. That is  
3 what it was used for primarily in my  
4 mind.

5 Q. What were the uses of the  
6 Canal American Express card under  
7 Ms. Robinson's name that were  
8 charged by other people besides Ms.  
9 Robinson?

10 MR. DROGIN: Objection to  
11 the form.

12 A. During what time period?

13 Q. During the period from 2016  
14 to 2019?

15 A. They should have been used  
16 for office expenses and other issues  
17 associated with operating Canal  
18 Productions, Inc.

19 Q. What were all the types of  
20 expenses that Canal employees, other  
21 than Ms. Robinson, put on the Canal  
22 American Express card under Ms.  
23 Robinson's name?

24 A. Legitimate business charges  
25 associated with Canal Productions

1 T. HARVEY

2 and Robert De Niro relating to the  
3 operation of Canal, which is loan  
4 out company for Mr. De Niro.

5 Q. What -- what specific types  
6 of expenses?

7 MR. DROGIN: Objection to  
8 the form.

9 A. Could be anything.  
10 Anything associated with -- with  
11 getting sheets of paper to print, to  
12 paying a porter to do something for  
13 them.

14 Q. Which Canal office  
15 employees had access to the credit  
16 card under Ms. Robinson's name?

17 A. When you said, "had  
18 access," they all knew about it in  
19 timeframe being 2017/'18, you would  
20 have to go through each employee  
21 prior to that.

22 Q. Okay.

23 And the card number and  
24 credentials for the Canal American  
25 Express card in Ms. Robinson's name

1 T. HARVEY

2 were provided to the employees who  
3 worked in Canal's office, correct?

4 A. When you say, "provided," I  
5 just don't want to mince words. But  
6 they had access to it.

7 Q. Canal's allegations about  
8 Ms. Robinson improperly charging  
9 Canal's credit card were based on  
10 reviewing account statements for  
11 American Express, is that correct?

12 A. Some of that is correct.

13 Q. What aspect is not correct?

14 A. There were other things we  
15 did to verify that, in fact, the  
16 expenses charged were not  
17 legitimate.

18 Q. What else was done to  
19 verify that expenses charged were  
20 purportedly illegitimate?

21 A. Sure.

22 For example, if Chase  
23 purchased meals in London, when we  
24 knew she was on vacation, we then  
25 had to go check the air miles to

1 T. HARVEY

2 make sure she was in London, check  
3 the hotel to make sure she was in  
4 London, check Netflix to make sure  
5 she was in London, and verify what  
6 Bob was doing, and was there any  
7 reason for Chase Robinson or Graham  
8 Robinson being in London to -- to  
9 make sure she wasn't doing something  
10 for Mr. De Niro. So there were  
11 numerous crosschecks and ways to  
12 show that, in fact, Ms. Robinson --  
13 I am just taking one example, went  
14 to London for vacation, used that  
15 credit card for several purchases  
16 that shouldn't have been made.

17 Q. Are you referring to a trip  
18 in December of 2018 in London?

19 A. I am referring to several  
20 trips. Numerous trips.

21 Q. I'm going to show you what  
22 will be marked as Exhibit 50, which  
23 is Bates stamped Canal 0050276 and  
24 Canal 0050277.

25 (Whereupon, Plaintiff's

1 T. HARVEY

2 Exhibit 50, Canal 0050276 and  
3 Canal 0050277, was marked for  
4 identification, as of this  
5 date.)

6 Q. You will see there are two  
7 -- two documents to click on.

8 A. I'm sorry. 276 and 277?

9 Q. You got it.

10 A. And you want -- can we open  
11 one at time and deal with one at a  
12 time?

13 Q. Yes. There is -- one is an  
14 e-mail and the other is the  
15 attachment to the e-mail.

16 A. Okay. I just don't want to  
17 lose you again.

18 Q. No problem. If you could  
19 first open the document ending in  
20 276. Do you recognize this e-mail?

21 A. I didn't even open it yet.  
22 Sorry.

23 Q. Let me know when you have  
24 had a chance to download it.

25 A. Is it from Sabrina Weeks?



1 T. HARVEY

2 Q. That is correct.

3 A. Got you.

4 Q. Okay.

5 As you can see, this is an  
6 e-mail from Sabrina Weeks-Britain,  
7 dated August 8, 2019, and as you can  
8 see there is on attachment called  
9 "Chase AMEX XLF."

10 Do you see that?

11 A. I do.

12 Q. I am going to ask you to  
13 open the attachment, which is the  
14 next Bates number ending in 277?

15 A. Uh-huh.

16 Q. When you have opened that  
17 spreadsheet, let me know?

18 A. Alright. We are good.

19 Q. So do you recognize this  
20 spreadsheet entitled, "Chase AMEX"  
21 and dated August 8, 2019?

22 A. I do.

23 Q. Who prepared this  
24 spreadsheet?

25 A. When you say, "prepared," I

1 T. HARVEY

2 think a number of people worked on  
3 it.

4 Q. Okay.

5 Who worked on this  
6 spreadsheet?

7 A. It would have been Sabrina,  
8 Jillian, Kaplan and myself.

9 Q. And who directed this  
10 spreadsheet be prepared?

11 A. Directed? I guess you  
12 could say me.

13 Q. And can you explain to me  
14 what the highlighting on this  
15 spreadsheet represents?

16 A. It is just showing you  
17 charges that were made by Graham  
18 Robinson that she shouldn't have  
19 charged.

20 Q. Okay.

21 This spreadsheet was sent  
22 just over a week before Canal filed  
23 its lawsuit against Ms. Robinson,  
24 correct?

25 A. This particular version,

1 T. HARVEY

2 probably. I don't know. I didn't  
3 see the date.

4 Q. Okay.

5 It was dated August 8,  
6 2019. So this is approximately a  
7 week before Canal filed its lawsuit,  
8 right?

9 A. Okay.

10 Q. Okay.

11 Were any subsequent  
12 versions of this spreadsheet  
13 exchanged at any time before Canal's  
14 lawsuit was filed?

15 A. When you say, "exchanged,"  
16 what do you mean?

17 Q. Were there any later  
18 iterations of this spreadsheet  
19 before Canal's lawsuit was filed?

20 A. I don't know.

21 Q. Are the items highlighted  
22 in green all of the expenses that  
23 Canal contends Ms. Robinson  
24 improperly charge at Paola's  
25 restaurant?

1 T. HARVEY

2 A. Say that again.

3 Q. Are the items highlighted  
4 in green all of the expenses that  
5 Canal contends Ms. Robinson  
6 improperly charged at Paola's  
7 restaurant?

8 A. I don't know. I would have  
9 to add them up and then go back and  
10 look at other receipts.

11 Q. The sum total of the items  
12 highlighted in green, \$12,696.65,  
13 matches the exact number that Canal  
14 claims in its lawsuit that Ms.  
15 Robinson improperly charged for  
16 food, drinks, and gratuities at  
17 Paola's. Is that right?

18 A. I would have to look at the  
19 Complaint. If you say so.

20 MR. DROGIN: If you are  
21 representing that, then --  
22 then we will agree.

23 MS. HARWIN: Okay.

24 MR. DROGIN: We have no  
25 no reason to disbelieve you

1 T. HARVEY  
2 as an officer of the Court.

3 MS. HARWIN: Thank you,  
4 Counsel. So yes. As -- I  
5 can represent that the sum  
6 total of the items  
7 highlighted in green on the  
8 spreadsheet total \$12,696.65,  
9 and that matches exactly the  
10 number that Canal claims in  
11 its lawsuit as improper  
12 charges at Paola's.

13 Q. Are the items highlighted  
14 in blue all the expenses that Canal  
15 contends Ms. Robinson improperly  
16 charged for Ubers and taxis?

17 A. Again, I would have to do  
18 math and then look at the backup.

19 Q. Well, the sum total of the  
20 items highlighted in blue,  
21 \$31,814.17, corresponds to the  
22 figure of approximately 32,000, that  
23 is claimed in this lawsuit that Ms.  
24 Robinson improperly charged for  
25 taxis and Ubers.

1 T. HARVEY

2 So does that refresh your  
3 recollection?

4 A. No, it doesn't. But I am  
5 not disputing it. I mean, it is  
6 common sense. But, again, I didn't  
7 go through and do this right now.

8 MR. DROGIN: Again, if  
9 the numbers add up, as you  
10 have indicated, and these are  
11 all highlighted, then this  
12 would have been how Canal  
13 determined the amount that it  
14 claims had been improperly  
15 charged. I would also say  
16 that some of them appear to  
17 be -- you said Ubers and  
18 taxis. Some of them appear  
19 to be in England. I don't  
20 know. I want to make sure we  
21 are not limited to travel in  
22 the United States.

23 A. I don't know.

24 MS. HARWIN: I am not  
25 saying anything about the

1 T. HARVEY

2 location. I am just simply  
3 trying to identify what are  
4 the charges that are claimed  
5 in the lawsuit.

6 MR. DROGIN: Yes.

7 Q. So the sum total of the  
8 items highlighted in yellow is  
9 \$8,923.20, which matches the exact  
10 number Canal contends that Ms.  
11 Robinson improperly charged at Whole  
12 Foods and Dean & DeLuca.

13 Are the items highlighted  
14 in yellow all of the expenses that  
15 Canal contends Ms. Robinson  
16 improperly charged at Whole Foods  
17 and Dean & DeLuca?

18 A. With respect to the Dean &  
19 DeLuca, if the two match, and,  
20 again, I don't want to slow you down  
21 here. I would say that is where we  
22 got the number. By adding up all of  
23 these items.

24 Q. The sum total of the items  
25 highlighted in pink concerning

1 T. HARVEY

2 flowers and flowers shop is  
3 \$17,119.27.

4 And that number is  
5 substantially higher than the  
6 approximate \$3,000 figure that Canal  
7 cites in its lawsuit for improper  
8 charges for flowers and other items  
9 at Flowers by Philip.

10 What is the exact amount  
11 that Canal contends that Ms.  
12 Robinson improperly charged for  
13 flowers?

14 A. I would have to look at the  
15 Counterclaims federal action.

16 Q. Well, in this spreadsheet,  
17 more than \$17,000 in charges are  
18 highlighted. And in the lawsuit  
19 brought by Canal and Counterclaims  
20 by Canal, they cite a figure of  
21 approximately \$3,000.

22 So can you clarify what is  
23 the amount that Canal contends was  
24 improperly spent by Ms. Robinson on  
25 flowers?



1 T. HARVEY

2 A. Looking at this spreadsheet  
3 alone, I cannot tell you why the  
4 numbers are different, no.

5 Q. Can you speak louder, sir?

6 A. Looking at this spreadsheet  
7 alone, I cannot tell you why there  
8 is a difference between the amount  
9 charged or charges at the flower  
10 shop, Flowers by Philip, and the  
11 amount that is listed in the  
12 Counterclaim in Federal Court.

13 Q. Well, how much does Canal  
14 contend that Ms. Robinson improperly  
15 charged for flowers?

16 MR. DROGIN: Objection.

17 A. I would have to --

18 MR. DROGIN: Objection to  
19 the form. You can answer.

20 A. Yeah. I would have to look  
21 at the Counterclaims in the Federal  
22 Complaint or Federal Action I should  
23 say.

24 MR. DROGIN: For the  
25 record, it is also clear that

1 T. HARVEY

2 some of these -- it is not  
3 just Flowers by Philip. It  
4 is also Flowers by Michael.

5 Q. Does Canal --

6 MS. HARWIN: Yes. Thank  
7 you for clarifying counsel.

8 Q. Mr. Harvey, does Canal  
9 contend that Ms. Robinson made any  
10 improperly charges to a store called  
11 Flowers by Michael?

12 A. I would have to look at the  
13 Federal Complaint, look at the  
14 charges, and back them up.

15 MS. HARWIN: Why don't we  
16 drop into the chat Exhibit  
17 51, the Federal  
18 Counterclaims.

19 (Whereupon, Plaintiff's  
20 Exhibit 51, Federal  
21 Counterclaims, was marked for  
22 identification, as of this  
23 date.)

24 Q. Does looking at the  
25 Counterclaims asserted by Canal

1 T. HARVEY

2 refresh your recollection?

3 A. I haven't looked at them  
4 yet.

5 Q. Let us know when you have  
6 that.

7 A. Uh-huh. Okay I am looking  
8 at it. What is the question?

9 Q. So what is the amount that  
10 Canal contends Ms. Robinson  
11 improperly charged for flowers?

12 A. More than \$3,000.

13 Q. So does Canal contend that  
14 she charged over 17,000 improperly  
15 for flowers or is the amount  
16 approximately \$3,000?

17 A. The amount is, and I quote,  
18 "Over \$3,000."

19 Q. Is the amount over \$5,000?

20 MR. DROGIN: Objection to  
21 the form.

22 A. The charge with respect to  
23 unauthorized purchases of flowers is  
24 more than or over \$3,000.

25 Q. I understand that. But I

1 T. HARVEY

2 am trying to get more specificity.

3 There is already a  
4 significant disparity between the  
5 sum total of the valued highlighted  
6 in the spreadsheet and the amount  
7 cited in the Complaint. I am trying  
8 to understand, with greater clarity,  
9 what actually is the amount that  
10 Canal contends Ms. Robinson  
11 improperly charged for flowers?

12 A. That is simple. It is more  
13 than \$3,000.

14 Q. Turning your attention back  
15 to the spreadsheet, the items that  
16 are not highlighted and instead  
17 appear in alternating white and grey  
18 cells are the expenses that Canal  
19 does not claim Ms. Robinson charged  
20 improperly, is that right?

21 A. I am opening the  
22 spreadsheet again. That is not  
23 necessarily true.

24 Q. Okay.

25 Are there any items that

1 T. HARVEY

2 are not highlighted in -- in the  
3 spreadsheet that Canal contends Ms.  
4 Robinson improperly charged?

5 A. I would have to look at  
6 more than this. I think generally  
7 the concept is you are correct, but  
8 there could be the few charges that  
9 are not in this spreadsheet that  
10 are, in fact, of the basis for the  
11 lawsuit.

12 Q. I would like to turn to the  
13 charges at Paola's restaurant.

14 A. Uh-huh. Yes.

15 Q. What documents did Canal  
16 review that served as the basis for  
17 its claims concerning charges at  
18 Paola's restaurant?

19 A. We looked at the American  
20 Express charges related to Paola's  
21 for beginners.

22 Q. You can continue.

23 A. I -- I think you are -- you  
24 are trying to figure out how do we  
25 know it was Graham Robinson, and the

1 T. HARVEY

2 answer is we crosschecked various  
3 items to make sure that, in fact,  
4 she was the one that was at Paola's.  
5 Especially, if Robert De Niro went  
6 there, he would use his own card.  
7 Michael Kaplan never went there, and  
8 certainly Jillian and Sabrina never  
9 went there. So short of someone  
10 stealing the card from Graham  
11 Robinson that was never reported to  
12 us, it was Graham Robinson.

13 Q. So what other documents  
14 were used to crosscheck these  
15 expenses?

16 A. I would have to look, but  
17 you can generally see that there  
18 would have been where Bob was, for  
19 example. It is easy enough to  
20 figure out, whether he was in town,  
21 out of town, those sorts of things.  
22 Where the other people were, making  
23 sure they didn't steal the card and  
24 use it at Paola's.

25 Q. Did you compile information

1 T. HARVEY

2 on Mr. De Niro's whereabouts  
3 throughout the period from 2017 to  
4 2019, spanning Canal claims?

5 MR. DROGIN: Objection.

6 That is -- that is  
7 privileged. You are asking  
8 for a compilation by  
9 attorneys.

10 Q. Does --

11 MR. DROGIN: Isn't the  
12 question here whether it was  
13 authorized? Isn't that  
14 really the issue here?

15 Q. Mr. Harvey, Canal does not  
16 have evidence of any charges from  
17 Paola's restaurant that appeared on  
18 the Canal American Express were from  
19 Ms. Robinson dining in at Paola's,  
20 is that correct?

21 A. You are asking me what  
22 evidence Canal has? Is that the  
23 question with respect to physically  
24 where the food was eaten?

25 Q. Yes.

1 T. HARVEY

2 A. Hold on. So you are  
3 suggesting that all of the orders on  
4 the American Express by Chase  
5 Robinson -- I don't know -- I know  
6 that she ordered the food and paid  
7 for the food. I don't know one  
8 hundred percent where she ate the  
9 food, if that is the answer to your  
10 question.

11 Q. Canal does not dispute that  
12 any meals that Ms. Robinson charged  
13 to Paola's were delivered to her  
14 home, correct?

15 MR. DROGIN: Objection to  
16 the form.

17 A. When you say, "dispute,"  
18 I'm not sure what you mean because  
19 there is no one to dispute it with.  
20 We never disputed it with American  
21 Express if that is what you mean.

22 Q. Does Canal dispute in this  
23 litigation that any expenses to  
24 Paola's that were charged were for  
25 items that were delivered to Ms.



1 T. HARVEY

2 Robinson's home?

3 MR. DROGIN: Objection.

4 I can represent to you that

5 it -- it was never looked at

6 where it was delivered. What

7 was looked at was the charge.

8 It was -- it was on her card,

9 it was -- it was to a

10 restaurant.

11 MS. HARWIN: Okay.

12 MR. DROGIN: The question

13 is who put it there and was

14 it authorized. I don't know

15 if she had veal parmigiana.

16 I don't know if she had

17 chicken scarpariello. I have

18 no idea. It is -- it is the

19 amount.

20 Q. Did Canal --

21 MR. DROGIN: Do I have

22 reason to believe that she

23 had?

24 A. I have to put this

25 objection on the record.

1 T. HARVEY

2 Q. Sir you are not --

3 A. One second. Mr. Drogin,  
4 please never try to say that Italian  
5 meal again. It hurt our ears.

6 Q. I will let you get away  
7 with that objection.

8 A. Thank you.

9 Q. Did Canal review any  
10 receipts for the charges at Paola's  
11 that appeared on Canal's credit  
12 card?

13 A. Are you talking physically  
14 the American Express receipts that  
15 would have been given to whoever  
16 purchased the food? Is that what  
17 you are referring to?

18 Q. Not referring to American  
19 Express documents. I am talking  
20 about receipts generated from the  
21 restaurant Paola's?

22 A. So receipts issued by  
23 Paola's to the person who would have  
24 ordered the food, is that it? Is  
25 that correct?

1 T. HARVEY

2 Q. Receipts generated by the  
3 restaurant Paola's, was that ever  
4 reviewed by Canal in connection with  
5 bringing its claim?

6 MR. DROGIN: Objection.

7 Objection to the form. Just  
8 so we are clear, there has  
9 been testimony that she  
10 reviewed her own receipts.  
11 It is also in her recording  
12 she is talking about  
13 shredding receipts. When you  
14 say Canal. She was Canal.  
15 If you are talking about post  
16 resignation, you just need to  
17 clarify because she at one  
18 point was approving her own  
19 charges.

20 MS. HARWIN: Following --  
21 you know we are -- we are  
22 obviously disputing a lot of  
23 the characterization. Let me  
24 clarify for this question.

25 Q. After Ms. Robinson's

1 T. HARVEY

2 employment at Canal ended, did Canal  
3 review any of the receipts generated  
4 by Paola's for the charges that  
5 appeared on Canal's American Express  
6 card?

7 MR. DROGIN: Objection to  
8 the form. You can answer.

9 A. Yeah. I don't believe that  
10 we have ever seen a receipt  
11 generated by Paola's restaurant in  
12 this situation.

13 Q. Okay.

14 Canal doesn't have any  
15 evidence that any charges from  
16 Paola's restaurant that appeared on  
17 Canal's American Express were from  
18 Ms. Robinson charging drinks at  
19 Paola's, correct?

20 MR. DROGIN: Objection to  
21 the form.

22 A. I don't know. I don't  
23 recall off the top of my head  
24 whether we have the breakdown.

25 Q. Canal doesn't dispute that

1 T. HARVEY

2 Mr. De Niro would dine at Paola's  
3 from time to time, correct?

4 A. Again, I don't want to hold  
5 you up. Mr. De Niro is familiar  
6 with the restaurant Paola's and has  
7 dined there. I just don't want to  
8 get into the time period. But yes,  
9 he has been a patron of that  
10 restaurant.

11 Q. Canal doesn't dispute that  
12 Ms. Robinson would bring Mr. De  
13 Niro's meals from Paola's from time  
14 to time, correct?

15 A. We would dispute that.

16 Q. What is the basis for that  
17 dispute?

18 A. You just made a -- a  
19 blanket statement that this  
20 occurred. I am saying to you I  
21 don't necessarily agree with that  
22 statement.

23 Q. Do you have any basis to  
24 dispute that Ms. Robinson would  
25 bring Mr. De Niro meals from

1 T. HARVEY

2 Paola's?

3 MR. DROGIN: Objection to  
4 the form.

5 A. Yeah. I have a basis for  
6 it.

7 Q. Okay.

8 What is the basis?

9 A. The basis is Robert De Niro  
10 was a grown up and could get his own  
11 food or he could order from Paola's  
12 or could have a number of people  
13 bring it. Do I know when there was  
14 a single time where Chase Robinson  
15 delivered food to Robert De Niro? I  
16 don't know that, but I don't know  
17 whether you did or did not go to  
18 Paola's and deliver it to Robert De  
19 Niro. I have no idea. I know I  
20 didn't.

21 Q. Does Canal have any  
22 evidence that every single charge  
23 from Paola's restaurant that  
24 appeared on the Canal American  
25 Express, from May 2017 to April

1 T. HARVEY

2 2019, was actually for Ms. Robinson?

3 MR. DROGIN: Objection to  
4 the form.

5 A. Yeah, I think we have  
6 plenty of evidence.

7 Q. What is that evidence?

8 A. There were charges to card  
9 in her name, used by her, during the  
10 time period that you reference.

11 Q. Other than the fact that  
12 those charges appeared on a card  
13 under Ms. Robinson's name, does  
14 Canal have any evidence that every  
15 single charge that from May 2017 to  
16 April 2019 was actually for Ms.  
17 Robinson?

18 A. Okay. Take the pen out of  
19 your mouth. It is hard to  
20 understand you.

21 Q. Sorry about that. Sorry  
22 about that. Let me restate the  
23 question.

24 Other than the fact that  
25 the charges appeared on a credit

1 T. HARVEY  
2 card under Ms. Robinson's name,  
3 Canal does not have any evidence  
4 that every single charge from  
5 Paola's restaurant that appeared on  
6 the Canal American Express from May  
7 2019 to April -- from May 2017 to  
8 April 2019 was actually for Ms.  
9 Robinson, correct?

10 MR. DROGIN: Objection to  
11 the form. Go ahead.

12 A. Well, first of all, are we  
13 talking about Paola's or every --

14 Q. Paola's. We are talking  
15 about Paola's.

16 A. Again, you misstated what I  
17 have testified to. I said there was  
18 plenty of other evidence.

19 Q. What is that evidence?

20 A. As I said before, we double  
21 checked to make sure, in fact, Ms.  
22 Robinson was in town and not on  
23 vacation. We then checked to see  
24 where Mr. De Niro was. We then  
25 checked to see if there was any



1 T. HARVEY

2 Ubers or anything else. We then  
3 checked e-mails, et cetera, to see  
4 who might have been there with her.  
5 I am sure there were other things,  
6 but that is generally what we did.

7 MS. HARWIN: I would note  
8 for the record that documents  
9 reflecting that purported  
10 investigation have not been  
11 produced and we would request  
12 that they be produced.

13 A. I didn't say documents from  
14 an investigation. I said the  
15 e-mails. The e-mails that we  
16 already produced to you and the  
17 e-mails that we received. I don't  
18 know what you are talking about.

19 Q. Does Canal dispute that Ms.  
20 Robinson was authorized to charge  
21 Canal for lunches when she was  
22 working?

23 MR. DROGIN: Objection to  
24 the form.

25 A. Does Canal dispute -- I can

1 T. HARVEY

2 tell you what the policy was, that  
3 if you were in the office at Canal  
4 and stayed in during a lunch hour  
5 you could charge your lunch to  
6 Canal. That was the general policy.

7 Q. And that policy applied to  
8 Ms. Robinson when she was working  
9 from her home office, correct?

10 A. It is so hard to hear you  
11 with the pen in your mouth.

12 Q. Sorry. Let me restate  
13 that.

14 That policy applied to Ms.  
15 Robinson when she was working from  
16 her home office, correct?

17 A. No. I don't know where you  
18 are coming up with that.

19 Q. So is it Canal's position  
20 that the other Canal employees were  
21 authorized to charge lunch to Canal,  
22 but Ms. Robinson was not?

23 MR. BENNETT:

24 (Inaudible).

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form. Also, you  
3 misstated what he said. He  
4 said when they were in the  
5 office.

6 A. The whole thing is absurd.  
7 If you were in the office, meaning,  
8 if I were in the office working for  
9 Canal, or in this case, Jillian, or  
10 Sabrina, or Kaplan and you couldn't  
11 leave because you had to cover the  
12 phones, you could order a lunch.  
13 That was the general idea or if you  
14 were working late, like any other  
15 normal situation in a small business  
16 like this.

17 Q. What documents did Canal  
18 review that served as a basis for  
19 its claim that Ms. Robinson  
20 improperly charged groceries at  
21 Whole Foods and Dean & DeLuca?

22 A. The American Express  
23 receipts for the most part.

24 Q. What else?

25 A. Well, we would have looked

1 T. HARVEY  
2 to make sure there was not, for  
3 example, a party or something  
4 happening. So, for example, if  
5 there happened to be a party for Tom  
6 Harvey because he is such a great  
7 guy at the offices of Canal, it is  
8 potentially possible that someone  
9 would have used Chase's credit card  
10 at Whole Foods and brought the food  
11 there. But we figured out that, in  
12 fact, she was just using it to buy  
13 groceries to take it home.

14 Q. Does Canal have any  
15 evidence that the charges for Whole  
16 Foods and Dean & DeLuca that  
17 appeared on the Canal American  
18 Express were for groceries?

19 MR. DROGIN: Objection to  
20 the form. You can answer it.

21 A. Yes, we have -- we have  
22 evidence that it was for food,  
23 generally.

24 Q. What is that evidence?

25 A. The fact that Whole Foods,

1 T. HARVEY

2 et cetera, typically don't sell

3 Mercedes Benz. They sell food.

4 Q. But Canal doesn't have any

5 evidence that Ms. Robinson charged

6 groceries, correct?

7 A. No, that is incorrect.

8 Q. What is the evidence that

9 Ms. Robinson placed charges for

10 groceries?

11 A. The fact that she purchased

12 groceries at Whole Foods. What more

13 evidence would you like?

14 Q. What is the evidence that

15 it was groceries that were

16 purchased?

17 A. I will tell you what. I am

18 just speculating here, call me

19 crazy, that a jury is going to

20 understand my answer even if you

21 don't.

22 MR. DROGIN: She would

23 have no reason to buy

24 charcoal, right? I mean, you

25 are correct. We don't have

1 T. HARVEY

2 the receipts. Our  
3 understanding is she took the  
4 receipts and shredded them.  
5 All we had was the American  
6 Express charges, so by  
7 deduction, that this is a  
8 grocery store. I suppose she  
9 could have been buying  
10 candles. I don't know why  
11 she would have charged that  
12 to Canal either.

13 Q. Whole Foods sells prepared  
14 foods, correct?

15 A. I don't know. Do they?

16 Q. Do you know what Whole  
17 Foods sells?

18 MR. DROGIN: Canal will  
19 stipulate that Whole Foods  
20 sells prepared foods.

21 MS. HARWIN: Okay.

22 Q. Dean & DeLuca also sells  
23 prepared foods, correct?

24 A. I have no idea.

25 MS. HARWIN: Can you

1 T. HARVEY

2 confirm, Mr. Drogin, that  
3 Canal will stipulate that  
4 Dean & DeLuca sell prepared  
5 food?

6 MR. DROGIN: Are they  
7 still in business? If they  
8 did -- I assume if they were  
9 in business they did at the  
10 time.

11 Q. So bottom line, Canal  
12 doesn't have any documents or other  
13 evidence as to what the charges at  
14 Whole Foods or Dean & DeLuca were  
15 actually for, correct?

16 A. Bottom line, you are  
17 incorrect. We know exactly what she  
18 did. Chase Robinson used the credit  
19 card and bought herself groceries.  
20 She bought herself food, seven days  
21 a week, 24 hours a day. She robbed  
22 with two hands, and a jury is going  
23 to understand that.

24 Q. Mr. Harvey, does Canal have  
25 any evidence as to what specific

1 T. HARVEY

2 items were purchased from Whole  
3 Foods or Dean & DeLuca?

4 MR. DROGIN: Hold on. It  
5 does not. And it is our  
6 understanding that she had  
7 those receipts and shredded  
8 them. She is heard on her  
9 audio recording with Robin  
10 talking about all the  
11 American Express receipts  
12 that she had, and she is  
13 shredding them. So she has  
14 destroyed that evidence.

15 MS. HARWIN: Counsel, we  
16 dispute that  
17 characterization. Receipts  
18 were scanned and provided to  
19 Canal as counsel well knows.

20 Q. Does Canal dispute that at  
21 times Ms. Robinson made purchases at  
22 Whole Foods for Mr. De Niro or his  
23 family?

24 A. Yes.

25 Q. What is the basis for Canal



1 T. HARVEY

2 to dispute that?

3 A. Because Ms. Robinson was  
4 despised by many of the household  
5 employees that -- that work for Mr.  
6 De Niro. That Mr. De Niro had  
7 numerous people working in his  
8 household that would go and purchase  
9 any item that he needed. That Mrs.  
10 De Niro's [sic] wife was very good  
11 at ordering anything she wanted and  
12 having it delivered. So that is the  
13 basis.

14 Q. Was Mr. De Niro interviewed  
15 concerning the charges Ms. Robinson  
16 made at Whole Foods or Dean &  
17 DeLuca?

18 MR. DROGIN: I'm sorry.

19 Can you repeat the question?

20 Q. Was Mr. De Niro interviewed  
21 concerning any of the charges that  
22 appeared on Canal's credit card at  
23 Whole Foods or Dean & DeLuca?

24 MR. DROGIN: Objection to  
25 the form. Interviewed by

1 T. HARVEY

2 who?

3 MS. HARWIN: Anyone. As  
4 part of Canal's  
5 investigation.

6 MR. DROGIN: Objection.

7 A. I don't know. I don't  
8 know.

9 Q. I can't hear you?

10 A. I don't know.

11 Q. Okay.

12 Ms. Robinson was authorized  
13 to charge Canal for coffees that  
14 were purchased from Whole Foods or  
15 Dean & DeLuca, is that right?

16 A. No.

17 Q. Ms. Robinson was authorized  
18 to charge Canal's credit card for  
19 purchases at Whole Foods that were  
20 made for Mr. De Niro or his family,  
21 is that right?

22 A. No.

23 Q. Okay.

24 So if Mr. De Niro directed  
25 Ms. Robinson to buy something for

1 T. HARVEY

2 him at Whole Foods, she was not  
3 authorized to charge that to Canal's  
4 credit card?

5 A. I didn't say that.

6 Q. If Mr. De Niro directed Ms.  
7 Robinson to purchase something for  
8 him or his family at Whole Foods,  
9 Ms. Robinson was authorized to  
10 charge Canal's credit card for that,  
11 correct?

12 A. Yes.

13 Q. If Mr. De Niro directed Ms.  
14 Robinson to purchase something for  
15 him or his family from Dean &  
16 DeLuca, Ms. Robinson was authorized  
17 to charge that to Canal's credit  
18 card, correct?

19 A. Again, you are asking for  
20 speculation. I don't believe he  
21 ever authorized her or had her do  
22 anything like that. Is it possible  
23 that Ms. Robinson once purchased a  
24 coffee and gave it to Mr. De Niro?  
25 Sure. Is it possible that she

1 T. HARVEY  
2 brought four coffees to the office  
3 and it was authorized? Sure.  
4 However, the bulk of this is not  
5 \$2.00. It is much more and the  
6 theft was long ranging and  
7 widespread.

8 Q. If Mr. De Niro wanted a  
9 gift basket purchased for an event  
10 or associate of his, Ms. Robinson  
11 would be authorized to charge  
12 Canal's credit card for the gift  
13 basket that were purchased at Whole  
14 Foods or Dean & DeLuca, correct?

15 MR. DROGIN: Objection to  
16 the form.

17 A. You keep saying if. It is  
18 speculative. I can assure you that  
19 Robert De Niro did not order gift  
20 bags from Whole Foods.

21 Q. What is the basis for that?

22 A. Not his style. You can ask  
23 him though.

24 MR. DROGIN: I think we  
25 can stipulate that if there

1 T. HARVEY  
2 was ever an authorized  
3 purchase that it would have  
4 been authorized to be charged  
5 on the American Express card.  
6 That is why not everything  
7 was viewed as being improper.  
8 When we have two minutes can  
9 we take a restroom break?

10 MS. HARWIN: Yeah. I  
11 think this is a good time for  
12 a -- a break. So why don't  
13 we take five minutes and go  
14 off the record?

15 THE VIDEOGRAPHER: The  
16 time is now 1:50 p.m. We are  
17 off the record.

18 (Whereupon, a recess was  
19 taken at this time.)

20 THE VIDEOGRAPHER: The  
21 time is now 1:58 p.m. We are  
22 back on the record.

23 Q. What documents did Canal  
24 base its claim that Ms. Robinson  
25 improperly charged taxis and Ubers?

1 T. HARVEY

2 A. Charged what?

3 Q. On what documents did Canal  
4 base its claim that Ms. Robinson  
5 improperly charged taxis and Ubers?

6 A. I'm not sure. There would  
7 have been credit card receipts,  
8 petty cash receipts, et cetera.  
9 Wherever she charged something we  
10 went to look. For example, I will  
11 give you one small example. If you  
12 say you are in London on vacation,  
13 why is Canal paying for your Ubers  
14 and taxis? That is one small  
15 example.

16 Q. What were the dates when  
17 Canal contends Ms. Robinson was on  
18 vacation in London and charged Ubers  
19 and taxis?

20 MR. DROGIN: Objection to  
21 the form.

22 A. You are asking for specific  
23 dates? I don't have them in front  
24 of me.

25 Q. Any sense at all of when --

1 T. HARVEY

2 when that allegedly occurred?

3 A. I would have to look at  
4 various notes, documents, et cetera,  
5 and see when she was at a certain  
6 place. She also took Ubers and  
7 taxis in New York during a workweek  
8 where she was here supposedly  
9 working and used them to go places  
10 that had nothing to do with Canal's  
11 business.

12 Q. What evidence does Canal  
13 have that taxis and Ubers were  
14 charged for things that had nothing  
15 to do with Canal's business?

16 (Whereupon, the requested  
17 portion was read back by the  
18 reporter:

19 Q: What evidence does  
20 Canal have that taxis and  
21 Ubers were charged for things  
22 that had nothing to do with  
23 Canal's business?)

24 A. E-mail, and documents, et  
25 cetera.

1 T. HARVEY

2 Q. What specific e-mails and  
3 documents does Canal contend support  
4 the idea that the taxis and Ubers  
5 charged weren't related to Canal's  
6 business?

7 MR. DROGIN: Objection to  
8 the form.

9 A. I can't tell you specific  
10 documents and dates, but I can tell  
11 you that, for example, if Ms.  
12 Robinson was going to visit a friend  
13 in Brooklyn and took a Uber that had  
14 nothing to do with Canal and charged  
15 it to us, that would have been the  
16 type of thing we looked at.

17 Q. Does Canal have any  
18 evidence that that happened?

19 A. Whether she went to  
20 Brooklyn? I don't know. I would  
21 have to look at my notes. I  
22 shouldn't say that. The documents,  
23 et cetera.

24 Q. So that was just an example  
25 you were making up, but that is not



1 T. HARVEY

2 -- that is not a circumstance that  
3 you actually, you know, contend or  
4 -- is that correct?

5 A. That is correct.

6 Q. If Ms. Robinson was taking  
7 a taxi, Uber, Lyft for a  
8 work-related reason she was entitled  
9 to charge Canal for that taxi, Uber,  
10 or Lyft, is that right?

11 A. Their policy would have  
12 been if you were doing something  
13 work related that required a taxi or  
14 Uber, certainly you were able to do  
15 that, yes.

16 Q. If Ms. Robinson was taking  
17 a taxi, Uber, or Lyft to or from Mr.  
18 De Niro's home, she was entitled to  
19 charge Canal for that taxi, Uber, or  
20 Lyft, correct?

21 A. No, not correct.

22 Q. Please explain?

23 A. What do you want me to  
24 explain?

25 Q. Why that is not correct?

1 T. HARVEY

2 A. Well, if I come to your  
3 house, are you paying for my cab? I  
4 suppose unless I am working for  
5 Sanford Heisler and it is related to  
6 Sanford Heisler work, you wouldn't.

7 Q. Mr. De Niro was Ms.  
8 Robinson's boss, correct?

9 A. Ms. Robinson worked for  
10 Canal Productions, Inc., that was  
11 owned by Robert De Niro, yes. I  
12 don't dispute that.

13 Q. So if Ms. Robinson needed  
14 to take a taxi, Uber, or Lyft to  
15 meet with Mr. De Niro, she was  
16 entitled to charge Canal for that  
17 taxi, Uber, or Lyft, correct?

18 A. Not correct.

19 Q. Please explain?

20 A. What do you want me to  
21 explain?

22 Q. Why is that not correct?

23 A. Okay. I will tell you  
24 what? Every associate at Sanford  
25 Heisler can take a cab or Uber to

1 T. HARVEY

2 and from work and go visit anyone  
3 they want. Is that correct? It is  
4 an absurd question. You cannot take  
5 unlimited private transportation,  
6 especially in New York City, where  
7 you could have taken a subway or a  
8 bus any particular time of the day.  
9 This is just common sense. If she  
10 had to go at 2:00 in the morning to  
11 visit someone work related,  
12 certainly Canal would have been  
13 responsible for that. The fact that  
14 she treated herself like a queen and  
15 robbed with two hands is not  
16 allowed. If you don't understand  
17 that, I'm sorry. I can't explain it  
18 any better.

19 Q. If Ms. Robinson needed to  
20 take a taxi, Uber, or Lyft to meet  
21 with her boss, she was not entitled  
22 to charge that transportation to  
23 Canal, is that Canal's position?

24 MR. DROGIN: Objection to  
25 the form.

1 T. HARVEY

2 A. I don't know what you mean  
3 by position.

4 Q. Is that what Canal claims  
5 in this lawsuit?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Canal claims that you can  
9 only get reimbursed for work-related  
10 transportation, et cetera. You  
11 don't get paid to come to the office  
12 -- you don't get paid to go stop by  
13 the office. You don't take  
14 transportation when you can take  
15 public transportation. And you  
16 certainly don't get to charge the  
17 company when you are away on  
18 vacation for Uber or cabs.

19 Q. Meeting with Mr. De Niro  
20 was work related, right?

21 MR. DROGIN: Objection to  
22 the form.

23 A. I don't know. I don't know  
24 what you are referring to. Mr. De  
25 Niro was typically traveling or at

1 T. HARVEY

2 his office where Ms. Robinson should  
3 have been. The fact that she was in  
4 Spain, or London, or Los Angeles  
5 doesn't seem to be Mr. De Niro's  
6 issue. I don't think she took Ubers  
7 from Spain to visit Mr. De Niro.

8 Q. Does Canal have any  
9 evidence that she charged Ubers in  
10 Spain to Canal?

11 A. I don't remember  
12 specifically Spain. Certainly  
13 London, California, and other  
14 places.

15 Q. Ms. Robinson had work trips  
16 to?

17 A. (Witness laughing).

18 Listen, Ms. Robinson would  
19 go on work trips, that is a fair  
20 statement. And when she did, it was  
21 fair to get reimbursed for any  
22 charges with that. Those though,  
23 were rare. When she would go  
24 scouting on production if she had to  
25 find, for example, her last trip to

1 T. HARVEY  
2 New Mexico to check out a house,  
3 yes, that is legitimate. What is  
4 not legitimate is to go to  
5 California, pay for yourself, first  
6 class tickets, Uber, Montage hotels,  
7 stay at Beverly Hills to go to a  
8 girlfriend's birthday. That is not  
9 allowed.

10 Q. Does Canal have any  
11 evidence that Ms. Robinson was the  
12 person who took every single Uber or  
13 taxi that appeared on the Canal  
14 American Express for May of 2017 to  
15 April 2019?

16 MR. DROGIN: Objection.

17 That is not contention.

18 A. If you are limiting that  
19 question to the amount that we are  
20 seeking to get returned to us, then  
21 I can answer.

22 Q. The amount that Canal is  
23 seeking to get returned is every  
24 single Uber and taxi that appeared  
25 on the Canal American Express from

1 T. HARVEY

2 May of 2017 to April 2019, correct?

3 MR. DROGIN: Objection to  
4 the form.

5 A. I don't believe that is  
6 true.

7 Q. What is you understanding  
8 of what Canal is seeking?

9 A. To get reimbursed for the  
10 unauthorized trips. Or I should say  
11 reimbursed for the unauthorized  
12 submissions that Ms. Robinson did  
13 with respect to the Uber and taxi  
14 cabs through -- whether it was the  
15 credit card or petty cash.

16 Q. The sum that Canal cites in  
17 its lawsuit is the sum total of  
18 every Uber or taxi charge that  
19 appeared on Canal's American Express  
20 from May of 2017 to April 2019,  
21 correct?

22 MR. DROGIN: Objection.

23 That is not correct.

24 Q. Isn't that correct, Mr.  
25 Harvey?

1 T. HARVEY

2 A. No, I don't think it is.

3 Q. We went over the numbers  
4 before, but please explain why that  
5 is not correct?

6 A. Because it is not a correct  
7 statement.

8 Q. So is Canal seeking less  
9 than the amount that is cited in the  
10 lawsuit?

11 A. No, we are seeking the  
12 amount in the lawsuit.

13 Q. The amount in the lawsuit  
14 corresponds to the total number of  
15 charges for Ubers or taxis that  
16 appeared on the Canal American  
17 Express card from May of 2017 to  
18 April of 2019, correct?

19 MR. DROGIN: Objection to  
20 the form. That is -- that is  
21 actually not a question and  
22 it is not correct.

23 MS. HARWIN: What about  
24 it is not correct, counsel?

25 MR. BENNETT: Are you



1 T. HARVEY

2 asking him to testify?

3 MR. DROGIN: First of

4 all, it is not a question.

5 MS. HARWIN: I am asking

6 him to confirm that that is

7 accurate.

8 MR. DROGIN: So there is

9 a charge on July 12th, 2017,

10 Queens Medallion LEA, Queens

11 Medallion Long Island City,

12 \$39.39. That is not

13 highlighted.

14 Q. Talking about charges that

15 are taxi charges not car services.

16 Every charge --

17 (Simultaneous speaking)

18 Q. Uber or taxi that appeared

19 on Canal card from May 2017 to April

20 2019 was included in Canal's claims

21 against Ms. Robinson, correct?

22 MR. DROGIN: Objection to

23 the form.

24 A. You are delineating between

25 a car service and a taxi cab and

1 T. HARVEY

2 Uber?

3 Q. When Canal asserted that  
4 Ms. Robinson engaged in improper  
5 spending at Canal on Ubers and  
6 taxis, it included every single Uber  
7 charge and every single charge  
8 containing the word taxi that  
9 appeared on Canal's credit card from  
10 May 2017, to April 2019, correct?

11 A. I don't know. I would have  
12 to look, and then I would have to  
13 add it up, and then I would have to  
14 go confirm that.

15 Q. Does Canal -- does Canal  
16 dispute that Ms. Robinson was  
17 authorized to charge Canal's credit  
18 card for taxis or Uber when she had  
19 to travel to Mr. De Niro's townhouse

20 [REDACTED]

21 MR. DROGIN: Objection to  
22 the form. You can answer.

23 A. It would have depended on  
24 why she was going there. Was it the  
25 first thing in the morning and she

1 T. HARVEY  
2 was going to work from the townhouse  
3 or was she -- whatever she might  
4 have been doing. Or, in fact,  
5 whether she ordered Uber for one of  
6 her girlfriends.

7 (Technical interference)

8 MR. MERINGOLO: Tom, you  
9 are breaking up.

10 THE WITNESS: Alright. I  
11 will try again.

12 A. I said it depends on  
13 whether it was first thing in the  
14 morning versus whether it was a  
15 charge for Ms. Robinson or one of  
16 her girlfriend's, like Rachel, who  
17 was working on the townhouse versus  
18 Amelia Brain when she brought her  
19 around versus Lu Lu White who she  
20 also brought around.

21 Q. There were circumstances  
22 when Ms. Robinson would be  
23 authorized to charge Canal's credit  
24 card for an Uber or taxi taken to  
25 Mr. De Niro's home, correct?

1 T. HARVEY

2 A. Can you take that pen out  
3 of your mouth? But the answer is  
4 yes. There would have been times --  
5 there would have been times. Again,  
6 I don't want to speculate. But if  
7 -- if your question is -- if Ms.  
8 Robinson had to bring a 50-pound bag  
9 from her house to Mr. De Niro's  
10 house, work related, of course Mr.  
11 De Niro would have happily paid for  
12 it, yes.

13 Q. There were circumstances  
14 when Ms. Robinson was running  
15 errands for Mr. De Niro where she  
16 would be authorized to charge  
17 Canal's credit card for a taxi or  
18 Uber, correct?

19 A. Again, you are asking me to  
20 speculate. It is just common sense.  
21 Can you have a car wait for you  
22 eight hours because you want to shop  
23 in Midtown Manhattan? No. He would  
24 not have approved of that had he  
25 known about it. If you wanted to

1 T. HARVEY

2 take a -- a car Downtown or across  
3 somewhere then perhaps. As long as  
4 it is work related, and you are not  
5 going to and from your home to the  
6 office, et cetera.

7 Q. There were circumstances  
8 where Ms. Robinson was meeting Mr.  
9 De Niro where she would be  
10 authorized to charge an Uber or  
11 taxi, right?

12 A. You would have to give me  
13 when, where, what was the reason?

14 Q. There were -- there were  
15 circumstances where that would be  
16 approved, right?

17 A. Again.

18 MR. DROGIN: Objection to  
19 the form.

20 A. You can ask Mr. De Niro. I  
21 think his answer will be that you  
22 use common sense. If Chase Robinson  
23 had to go from her house to Mr. De  
24 Niro's house on Central Park West,  
25 at 9:00 at night, and he requested

1 T. HARVEY  
2 her to come there, he certainly  
3 would have reimbursed her for an  
4 Uber. If we are talking about that  
5 she was a half of block away and  
6 then used that Uber to go somewhere  
7 else, no, he wouldn't have approved  
8 that.

9 Q. When Canal brought its  
10 lawsuit against Ms. Robinson, it  
11 claimed that every single Uber  
12 charge and every charge with the  
13 word taxi in it on the credit card  
14 from May of 2017 to April 2019 was  
15 improper, correct?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Again, there were -- you  
19 are presupposed there are not any  
20 other Ubers ordered and paid for any  
21 other way. So I don't agree with  
22 your statement. If you are trying  
23 to say the amount -- the number of  
24 Ubers and the amount of that credit  
25 card matches what is in our

1 T. HARVEY

2 Complaint, I will agree with that.

3 I will grant you that. If you are  
4 saying that those are the only Ubers  
5 that Ms. Robinson took, I would  
6 disagree with that.

7 Q. I would like to turn to the  
8 next exhibit, which is Exhibit 52.  
9 It is a document that is Bates  
10 spanned in a range Canal\_0010352 to  
11 64.

12 (Whereupon, Plaintiff's  
13 Exhibit 52, Canal\_0010352 to  
14 64, was marked for  
15 identification, as of this  
16 date.)

17 MR. DROGIN: Did you put  
18 it in the --

19 MS. HARWIN: It should be  
20 there.

21 MR. DROGIN: It just  
22 arrived.

23 A. Okay.

24 Q. Sir, do you recognize this  
25 document?

1 T. HARVEY

2 A. I do.

3 Q. What is this document?

4 A. It is a document that  
5 contains charges from American  
6 Express, receipts from Flowers by  
7 Philip. I can go on describing it,  
8 but I can just tell you it is a  
9 13-page document. Do you want me to  
10 do Bates stamp or do you want me to  
11 detail what is in this?

12 Q. I would like you to  
13 describe what this document purports  
14 to be?

15 MR. DROGIN: Objection to  
16 the form.

17 A. It purports to be what it  
18 is, which is American Express  
19 receipts, and receipts with respect  
20 to Flowers by Philip. And now I  
21 will go through it page by page to  
22 confirm what I just told you.  
23 Flowers by Philip. Okay. Yeah. It  
24 is all Flowers by Philip.

25 Q. Who prepared this document?



1 T. HARVEY

2 A. When you say, "this  
3 document," I -- I believe it is  
4 either Jillian, Kaplan, or Sabrina's  
5 handwriting on the first page, the  
6 rest of the documents. I assume the  
7 second page was an American Express  
8 generated document. And I assume  
9 the pages three, four, five, six,  
10 seven, eight, nine, ten, 11, 12, and  
11 13 were documents generated by  
12 Flowers by Philip.

13 Q. Is this a compilation that  
14 Canal prepared?

15 A. I can't hear you.

16 Q. Is this a compilation that  
17 Canal prepared?

18 MR. DROGIN: Objection to  
19 the form.

20 A. Canal didn't prepare these  
21 documents, other than the top  
22 document.

23 Q. Is this compilation one  
24 that Canal prepared?

25 MR. DROGIN: Objection to

1 T. HARVEY  
2 the form and characterization  
3 as to this as a compilation.  
4 You are the one giving it  
5 that title. The witness is  
6 not. These are 13 separate  
7 pages that you have -- that  
8 you have put together. You  
9 -- actually, it is your  
10 compilation.

11 MS. HARWIN: That is not  
12 accurate.

13 Q. That is a compilation that  
14 Canal submitted to the Manhattan  
15 District Attorney's Office, correct?

16 MR. DROGIN: Who are you  
17 asking?

18 MS. HARWIN: Mr. Harvey.

19 A. No idea if this is what was  
20 submitted to the New York County  
21 District Attorney's Office.

22 Q. Well, Mr. Harvey, one of  
23 your designated topics that you are  
24 here to testify about, on behalf of  
25 Canal, involves communications with

1 T. HARVEY

2 the Manhattan District Attorney's  
3 Office. So is this a compilation  
4 that Canal provided to the Manhattan  
5 District Attorney's Office?

6 MR. DROGIN: Objection to  
7 the form.

8 A. And again, I will tell you  
9 -- I will tell that you I don't know  
10 because I believe what we submitted  
11 to the New York County District  
12 Attorney's Office was in a much more  
13 hefty compilation, as you say, of  
14 documents. So whether this was  
15 taken out of those compilation --  
16 that book, I don't know. It very  
17 well could have been.

18 Q. Did Canal submit these  
19 documents to the Manhattan District  
20 Attorney's Office in connection with  
21 their claims that Ms. Robinson  
22 improperly charged Canal for  
23 flowers?

24 A. Canal submitted documents  
25 to the New York County District

1 T. HARVEY

2 Attorney's Office with respect to  
3 Ms. Robinson's theft and fraud.  
4 These were some of the documents  
5 that were submitted.

6 Q. Is it Canal's contention  
7 that every charge that appears on  
8 the page marked Canal\_00330 -- I'm  
9 sorry. Canal\_0010353 was an  
10 improper charge by Ms. Robinson?

11 MR. DROGIN: I couldn't  
12 hear your question.

13 Q. Is it Canal's contention  
14 that every charge that appears on  
15 Canal\_0010353 is an improper charge  
16 by Ms. Robinson?

17 A. You are asking me if I can  
18 look at this document and tell you  
19 if the -- each charge, I wouldn't --  
20 I wouldn't be able to tell just by  
21 looking at it.

22 Q. But Canal presented this to  
23 the Manhattan District Attorney's  
24 Office. Was it Canal's contention  
25 that every charge on this list was

1 T. HARVEY

2 improper, or was it Canal's  
3 contention that a subset of charges  
4 on this list were improper?

5 A. I would have to double  
6 check or cross reference it.

7 MR. DROGIN: Objection to  
8 the form.

9 A. I would have to double  
10 check.

11 Q. What would you need to  
12 double check?

13 A. Well, there were a number  
14 of charges made by Ms. Robinson with  
15 respect to flowers and plants. Some  
16 of those flowers -- for example, she  
17 bought flowers for Toukie Smith,  
18 \$500.00 worth of flowers. I don't  
19 believe those were authorized.

20 Putting that aside, I don't believe  
21 we ever sought to be -- brought  
22 those documents to the District  
23 Attorney. Also, if she brought  
24 plants, for example, for the  
25 townhouse, or office, those weren't

1 T. HARVEY  
2 submitted. To tell you the answer,  
3 I would have to go through each  
4 charge to make sure those specifics  
5 were taken out.

6 Q. Well, you have a  
7 compilation that you provided to the  
8 Manhattan District Attorney's and it  
9 is followed by a number of receipts.

10 MR. DROGIN: Objection to  
11 the form.

12 MS. HARWIN: I haven't  
13 asked the question yet.

14 MR. DROGIN: Objection to  
15 the word compilation.

16 Q. Did -- did Canal present a  
17 receipt for every charge that it  
18 contended was proper for flowers and  
19 similar items?

20 MR. DROGIN: Objection to  
21 the form.

22 A. What do you mean by  
23 receipt?

24 Q. So in -- in this collection  
25 of documents that Canal presented to

1 T. HARVEY

2 the Manhattan District Attorney's  
3 Office, as you noted before, there  
4 is a tabulation of charges for  
5 American Express, and then there are  
6 a number of receipts that follow.

7 Correct?

8 A. I -- well, I can describe  
9 there seems to be an -- American  
10 Express charges on page two, and  
11 then a series of receipts or  
12 invoices. I guess they are entitled  
13 from Flowers by Philip. That is  
14 what I see.

15 Q. Now, a receipt wasn't  
16 provided for every charge that  
17 appeared in the American Express  
18 compilation on -- the American  
19 Express tabulation on the second  
20 page of this exhibit. So were  
21 receipts provided for only those  
22 charges that Canal contended were  
23 improper?

24 MR. DROGIN: Objection to  
25 the form.

1 T. HARVEY

2 A. I have -- I have no idea  
3 what you are talking about. I think  
4 what you are trying to ask me is do  
5 I have a receipt showing these  
6 purchases were made? Is that what  
7 you are asking me?

8 Q. No.

9 A. What are you asking?

10 Q. Let me clarify.

11 As -- on the second page of  
12 this exhibit, there are over \$17,000  
13 in charges that are listed in that  
14 American Express tabulation.

15 Do you see that?

16 A. I do.

17 Q. Okay.

18 Canal didn't present  
19 receipts for \$17,000 of charges. It  
20 presented receipts for a subset of  
21 charges.

22 My question is, are the  
23 subset of charges for which receipts  
24 were presented the expenses that  
25 Canal contended were improper?



1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form. What receipts are  
4 you talking about? You are  
5 assuming that there is --

6 MS. HARWIN: The receipts  
7 --

8 MR. DROGIN: You are  
9 making that up.

10 MS. HARWIN: Counsel,  
11 look at the exhibit. Look at  
12 the receipts. They are in  
13 the exhibit. Okay?

14 MR. DROGIN: No. Where  
15 is the receipt? I am looking  
16 a 10362. It says, "Invoice:  
17 Delivered to Amelia Brain  
18 care of Chase Robinson."

19 MS. HARWIN: Mr. -- Mr.  
20 Harvey used the word receipt.  
21 We can use the word invoice.

22 MR. DROGIN: Here is a  
23 carry out on January 20th,  
24 2018.

25 MS. HARWIN: Counsel, I

1 T. HARVEY

2 am not asking you to read the  
3 exhibit aloud.

4 MR. DROGIN: Rather than  
5 beating around the bush, why  
6 don't you ask him, was it  
7 appropriate for Chase  
8 Robinson to have flowers  
9 delivered or carry out to her  
10 home for --

11 (Simultaneous speaking)

12 Q. Why don't we take a break,  
13 Mr. Harvey, and I would like when we  
14 come back -- I would like for you to  
15 identify which of the charges on the  
16 second page of the exhibit Canal  
17 contends were improper? How much  
18 time do you need for a break?

19 A. I don't want a break. I  
20 would rather keep going.

21 Q. Okay.

22 So identify for me which of  
23 the charges on the second page of  
24 this exhibit Canal contends were  
25 improper?

1 T. HARVEY

2 A. I don't know by just  
3 looking at this receipt or invoice.  
4 Whatever you want to call it.

5 Q. Well, there are pages of  
6 invoices that follow as part of what  
7 Canal provided to the District  
8 Attorney. So --

9 A. You keep -- you keep  
10 harping on that. You keep saying  
11 the same thing and beating around  
12 the bush.

13 Q. No beating around the bush,  
14 sir. I am trying to get you to  
15 answer the question.

16 A. I am trying to answer the  
17 question. Excuse me. Excuse me. I  
18 am trying to answer the question. I  
19 am telling you by simply looking at  
20 this, I can't tell. In the middle  
21 of this, hand me this, and say,  
22 which is good and which is bad. I  
23 would have to look at a number of  
24 things. For example --

25 Q. What do you need to look

1 T. HARVEY

2 at?

3 A. For example -- for  
4 example -- for example, with Amelia  
5 Brain, Chase ordering flowers for  
6 Amelia Brain, through Canal  
7 Productions, is simply theft. Out  
8 and out theft. There is no  
9 justification whatsoever. Now, the  
10 fact that I would have to go through  
11 and check out each individual  
12 receipt and flower purchase, and  
13 then go back to make sure there  
14 wasn't a legitimate reason for it,  
15 would probably take me three or four  
16 hours. So keep asking questions and  
17 we can keep going.

18 Q. Sitting here today, you  
19 don't know which of the charges on  
20 Canal 0010353 Canal contends were  
21 improper, is that correct?

22 A. No, that is not correct.  
23 You can ask me a dozen different  
24 ways. I am not going to concede to  
25 you that I don't know -- excuse me.

1 T. HARVEY

2 Counsel, let me finish my answer so  
3 there is a clear transcript for the  
4 judge. Okay? I am telling you that  
5 it would take me time to review  
6 this, item by item. And you keep  
7 going well, isn't it possible, or  
8 isn't it true, or didn't you say,  
9 well, no. These are documents we  
10 put together based upon other  
11 documents that we read because Ms.  
12 Robinson made thousands and  
13 thousands of dollars of purchases.  
14 Some of them were legitimate, some  
15 of them were not. Okay?

16 Q. Sitting here today --

17 MR. DROGIN: If you look  
18 at 13061, just as example --  
19 I am not trying to disrupt  
20 you, but maybe it is easier  
21 to just look at a particular  
22 one.

23 MS. HARWIN: I am not  
24 asking about specific  
25 receipts. Right now I am

1 T. HARVEY

2 just trying to identify what  
3 is the universe of charges  
4 that are claimed to be  
5 improper.

6 Q. Mr. Harvey, sitting here  
7 right now, are you prepared to  
8 identify which charges Canal  
9 contends are improper for flowers or  
10 not?

11 A. I would have to start by  
12 looking at the Complaint, and then  
13 backing into it. That is the way to  
14 do it. The fact that you are trying  
15 to get -- to see if I remember  
16 things from two and a half years  
17 ago, and thinking that matters, is  
18 meaningless to me. If you want to  
19 know how much we assert are related  
20 to flowers, I will look at the  
21 Complaint, and I will read you the  
22 number.

23 Q. We already did that earlier  
24 today, sir.

25 MR. DROGIN: That is why

1 T. HARVEY

2 I am suggesting that you look  
3 at 10361 because that's a  
4 good example. It shows  
5 Greenwich, then it shows the  
6 delivery to her home, and  
7 then it shows a tip. So that  
8 is --

9 MS. HARWIN: Counsel.

10 MR. DROGIN: You are --  
11 it is your exhibit and if you  
12 want to move forward with it,  
13 here is a good example to ask  
14 him about. He answered about  
15 Amelia Brain. You are  
16 building up this universe,  
17 but you have documents in  
18 front of you. Ask about  
19 10361 where there is charges  
20 to 375 Greenwich, and then  
21 there is charges to her home  
22 with delivery charges and a  
23 tip. This is not rocket  
24 science.

25 MS. HARWIN: Counsel, I

1 T. HARVEY  
2 would appreciate if you  
3 wouldn't take the time to  
4 speak on the record. I can  
5 ask my questions. If you  
6 want to ask different  
7 questions, that is fine. You  
8 can ask questions after.

9 MR. DROGIN: No, but it  
10 is --

11 Q. Mr. Harvey, let me --

12 MS. HARWIN: Counsel.

13 Q. Let me direct your  
14 attention to the third page of this  
15 exhibit, which is marked  
16 Canal\_0010353.

17 Do you recognize this  
18 receipt -- this invoice as one that  
19 you provided to the District  
20 Attorney?

21 A. I don't recall, but I don't  
22 have any reason to dispute that this  
23 was submitted to the District  
24 Attorney.

25 Q. This is a charge that was



1 T. HARVEY

2 reversed, correct?

3 A. I have no idea what you are  
4 talking about.

5 Q. Well, wasn't this charge  
6 reversed?

7 A. I just told you that I have  
8 no idea what you are talking about.

9 Q. We previously went over a  
10 spreadsheet with a tabulation of  
11 charges that were highlighted in  
12 different colors, including pink  
13 charges concerning flowers, correct?

14 A. We went over a spreadsheet  
15 that you showed me, that is correct.

16 Q. And on that spreadsheet it  
17 shows that this was a charge that  
18 was reversed, correct?

19 A. I don't know.

20 Q. Why don't we go back to  
21 that spreadsheet? Why don't you  
22 open it up?

23 A. Okay. I have the  
24 spreadsheet open.

25 Q. When you go to the very

1 T. HARVEY

2 bottom of that spreadsheet, in Row  
3 5,529, do you see that that charge  
4 is shown as a negative because it  
5 was credited to Canal's account?

6 A. 5,000 what?

7 Q. 5,529.

8 A. Okay. Right.

9 Q. That charge was reversed,  
10 correct?

11 A. When you say, "that charge  
12 was reversed," I don't know. I know  
13 that Canal was given back \$1,311.94.

14 Q. If you turn to the exhibit  
15 we were just in, with various  
16 invoices that you presented to  
17 District Attorney's Office, if you  
18 turn to the page marked  
19 Canal\_0010355, that shows that that  
20 charge was refunded.

21 Correct?

22 A. I am looking.

23 MR. DROGIN: We will  
24 stipulate that it was  
25 refunded four days after

1 T. HARVEY

2 Chase resigned.

3 Q. So the charge that appears  
4 on February 9th, 2019, was refunded  
5 back to Canal, correct?

6 A. I would -- again, double  
7 check. I know that Chase tried to  
8 order flowers for herself the day  
9 before she resigned, or I think it  
10 was the actually the day after, and  
11 we had a fight with American Express  
12 and got our money back eventually.  
13 This could be that document. I  
14 don't know one hundred percent. I  
15 would have to go back and look at  
16 some other things.

17 Q. Counsel stipulated that the  
18 charge was refunded, right?

19 MR. DROGIN: Then it was  
20 charged again. This is what  
21 I am saying. It is like you  
22 are -- it is like you are  
23 trying to pinpoint something  
24 without asking the question,  
25 and then the very next

1 T. HARVEY

2 document shows it is charged  
3 again. Yes, it was credited  
4 once, and then recharged.

5 Q. Canal contends this was  
6 charged for a second time after Ms.  
7 Robinson's employment ended, is that  
8 Canal's contention?

9 A. Again, I would have to look  
10 at some more documents, including  
11 the American Express bill.

12 Q. I would like to show you  
13 Exhibit 53, which is an invoice,  
14 dated January 20th, 2018.

15 (Whereupon, Plaintiff's  
16 Exhibit 53, Robinson 0006824,  
17 was marked for  
18 identification, as of this  
19 date.)

20 MR. DROGIN: Hold on.

21 A. I didn't get it.

22 Q. Just let me know when you  
23 have it. It should be there.

24 MR. BENNETT: This is a  
25 new one going into the chat

1 T. HARVEY

2 or are you going back to  
3 Flowers by Philip?

4 MS. HARWIN: It is in the  
5 chat now.

6 MR. DROGIN: What is the  
7 document number? Hold on. I  
8 see it.

9 MS. HARWIN: This  
10 document is Robinson 0006824.

11 Q. Amelia Brain worked as an  
12 actress on Mr. De Niro's film The  
13 Irishman, correct?

14 A. I don't know what you mean  
15 Mr. De Niro's film. I know Amelia  
16 Brain had a part in a movie that Mr.  
17 De Niro was in.

18 Q. The Irishman, correct?

19 A. I would have to check the  
20 credits, but I don't know is the  
21 short answer.

22 Q. Does Canal have any basis  
23 to dispute that the \$283.08 charge,  
24 on January 20, 2018, was a gift from  
25 Mr. De Niro to Amelia Brain for her

1 T. HARVEY

2 work on the film The Irishman?

3 MR. DROGIN: Objection.

4 A. Yes.

5 Q. What is the basis for that?

6 MR. DROGIN: Objection to

7 the form. No one, by the

8 way, has made that claim.

9 That is fine.

10 A. What is the question?

11 MS. HARWIN: Madam Court

12 Reporter, can you read it

13 back?

14 (Whereupon, the requested

15 portion was read back by the

16 reporter:

17 Q: Does Canal have any

18 basis to dispute that the

19 \$283.08 charge, on January

20 20, 2018, was a gift from Mr.

21 De Niro to Amelia Brain for

22 her work on the film The

23 Irishman?)

24 MR. DROGIN: Objection to

25 the form.

1 T. HARVEY

2 A. The answer is yes.

3 Q. What is the basis for that?

4 A. The basis is Robert De Niro  
5 didn't send flowers to Amelia Brain  
6 because she was acting in a movie.

7 Q. Mr. De Niro sent gifts to  
8 many of the people that participated  
9 in the film The Irishman, correct?

10 MR. DROGIN: Objection to  
11 the form.

12 A. Can you stop with the pen  
13 in your mouth, please? It is hard  
14 to understand what you are saying.

15 Q. Mr. De Niro sent gifts to  
16 many of the people who worked on the  
17 film The Irishman, correct?

18 MR. DROGIN: Objection to  
19 the form.

20 A. I don't know what you mean  
21 by many. And I don't know what you  
22 mean by gifts.

23 MR. DROGIN: Why don't  
24 you just ask Mr. De Niro?

25 Q. So I am going to turn your

1 T. HARVEY  
2 attention to the next exhibit, which  
3 is Exhibit 54, Robinson 0006839.

4 (Whereupon, Plaintiff's  
5 Exhibit 54, Robinson 0006839,  
6 was marked for  
7 identification, as of this  
8 date.)

9 A. Is this in the chat?

10 Q. It should appear shortly.

11 A. Okay.

12 Q. Does Canal have any basis  
13 to dispute that the \$1,217.22  
14 charge, on July 19, 2018, was  
15 comprised of plants for the Canal  
16 office, flowers for assistants,  
17 desks in the Canal office, and  
18 flowers for Mr. De Niro's former  
19 partner, Toukie Smith?

20 MR. DROGIN: Objection to  
21 the form of all three of the  
22 questions. Is someone making  
23 that contention?

24 A. I don't know what you just  
25 said. You asked three different



1 T. HARVEY

2 questions in the same sentence.

3 Q. Does Canal dispute that the  
4 charge -- it sounds like there is an  
5 echo.

6 MR. DROGIN: I know I am  
7 getting a headache.

8 Q. Can you hear me?

9 A. I can hear you.

10 Q. Does Canal dispute that the  
11 July 19, 2018 charge was for plants  
12 and flowers for the Canal office,  
13 and flowers for Mr. De Niro's former  
14 partner, Toukie Smith?

15 MR. DROGIN: Objection to  
16 the form.

17 A. I would have to check on  
18 the documents. But as far as Ms.  
19 Smith, I thought it was a \$500.00 if  
20 my memory serves me right. As far  
21 as the other plants, I would have to  
22 review some other documents.

23 Q. Does Canal contend that it  
24 was improper to purchase flowers for  
25 Mr. De Niro's former partner, Toukie

1 T. HARVEY

2 Smith?

3 MR. DROGIN: Objection to  
4 the form.

5 A. If the flowers were  
6 delivered as a gift from Mr. De  
7 Niro, I am sure he would raise no  
8 objection to that. But the flowers  
9 being delivered from Chase Robinson,  
10 as a gift from Chase Robinson,  
11 should not have been a charge to  
12 Canal.

13 Q. I am going to show you next  
14 exhibit, which is 55, and that is  
15 Robinson 0006844.

16 (Whereupon, Plaintiff's  
17 Exhibit 55, Robinson 0006844,  
18 was marked for  
19 identification, as of this  
20 date.)

21 Q. As part of Ms. Robinson's  
22 work at Canal, she performed work  
23 related to Mr. De Niro's former  
24 partner, Toukie Smith, correct?

25 A. She certainly was involved

1 T. HARVEY

2 with Toukie Smith. When you say  
3 performed work, she did things  
4 involving Toukie Smith.

5 Q. Is there anything about  
6 this charge, dated July 26, 2018,  
7 that Canal contends was improper?

8 A. Again, I don't know. I  
9 have to look back at the -- first go  
10 to the spreadsheet, and then look at  
11 a few other documents.

12 Q. Are there any documents  
13 that you want to look at to refresh  
14 your recollection?

15 A. Right now? No. You have  
16 any? I will take a look.

17 Q. You tell me what you need  
18 to look at to refresh your  
19 recollection.

20 A. We can start with the  
21 Complaint, and then from the  
22 Complaint I can start looking at our  
23 binder, and from our binder look at  
24 some e-mails, et cetera. So  
25 whatever --

1 T. HARVEY

2 Q. How long would that take?

3 A. I don't know. It is not  
4 quick.

5 Q. More than an hour?

6 A. I don't know.

7 MR. DROGIN: Do you just  
8 want to make a representation  
9 as to what this is, what the  
10 contention is?

11 MS. HARWIN: So these  
12 were flowers purchased for  
13 Mr. De Niro's former partner,  
14 Toukie Smith.

15 Q. Does Canal dispute that  
16 that was a proper expense?

17 A. I thought I just answered  
18 that. If Robert De Niro wants to  
19 send Toukie Smith, you, or me,  
20 flowers and plants, it certainly was  
21 in his right to do that.

22 If Chase Robinson wants to  
23 sends you, me, or Toukie Smith  
24 flowers from Chase Robinson, without  
25 asking Robert De Niro, that is a no

1 T. HARVEY

2 no.

3 Q. Do you have any evidence  
4 that Mr. De Niro wasn't asked before  
5 these charges were made?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Why don't you ask him?

9 Q. Can you repeat your answer?

10 A. Why don't you ask Mr. De  
11 Niro when you depose him on Monday  
12 and Tuesday, or whenever you are  
13 going to depose him?

14 Q. These are Canal's claims,  
15 and I am asking Canal's 30(b)(6)  
16 witness concerning these claims.

17 A. Yes, you are. And I  
18 thought I answered it. And you said  
19 to me do I know whether, in fact,  
20 Chase Robinson got permission from  
21 Robert De Niro to send flowers to  
22 Toukie Smith only in the name of  
23 Chase Robinson.

24 Q. Do you have any evidence  
25 this was in the name of Chase

1 T. HARVEY

2 Robinson?

3 A. I am sure I do.

4 Q. What is that evidence?

5 A. I believe there is an  
6 e-mail or something out there. I  
7 would have to go look for it.

8 MS. HARWIN: We request  
9 production of whatever is  
10 being referenced here.

11 A. I am sure a jury is going  
12 to understand all of this very  
13 clearly.

14 Q. I am showing you another  
15 exhibit, which is Exhibit 56, spans  
16 Robinson 0006876 through 77.

17 (Whereupon, Plaintiff's  
18 Exhibit 56, Robinson 0006876  
19 through 77, was marked for  
20 identification, as of this  
21 date.)

22 Q. Do you have any reason to  
23 believe that --

24 A. I don't have the document.  
25 I don't have --

1 T. HARVEY

2 Q. Let me know when you have  
3 it open.

4 Do you see these invoices  
5 for carryout flowers on February 12,  
6 2019?

7 A. I see an invoice that has  
8 order number 423974-1, order  
9 2/1/2019, at 4:29 p.m., Bates stamp  
10 Robinson 6876.

11 Is that what you are  
12 referring to?

13 Q. Yep. And the following  
14 page as well, 77.

15 Do you see these charges --  
16 does Canal contend that these were  
17 flowers charged that were improperly  
18 charged by Ms. Robinson?

19 A. I would have to go back to  
20 the Complaint, then into the  
21 spreadsheet, look at a few other  
22 things.

23 Q. Okay.

24 Sitting here today, is that  
25 a question you can answer?

1 T. HARVEY

2 A. I thought I just did. I  
3 would have to go to the Complaint,  
4 back into that number at the  
5 spreadsheet, get that American  
6 Express receipt number, and match it  
7 up to this. You are just pulling  
8 documents out, and throwing them in  
9 front of me, and saying, 'What is  
10 this?'

11 Q. Does Canal have any basis  
12 to dispute that Ms. Robinson was not  
13 in New York at the time that this  
14 carryout flower order was placed  
15 that is shown on Robinson 00006876?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I would have to go and  
19 look. I don't know.

20 Q. I am going to show the next  
21 exhibit, which is Robinson 0006847.

22 (Whereupon, Plaintiff's  
23 Exhibit 57, Robinson 0006847,  
24 was marked for  
25 identification, as of this



1 T. HARVEY

2 date.)

3 MR. DROGIN: 6847?

4 MS. HARWIN: Yes.

5 Q. I am showing you an invoice  
6 for September 22, 2018.

7 Does Canal have any basis  
8 to dispute --

9 MR. DROGIN: Hold on.  
10 Let us -- let us open it.

11 MS. HARWIN: Okay. Let  
12 me know when it is open.

13 A. What is your question?

14 Q. Does Canal have any basis  
15 to dispute that the flowers  
16 reflected on that carryout invoice  
17 were brought to Mr. De Niro's home?

18 A. Yes.

19 Q. What is basis for that  
20 dispute?

21 A. You are calling it a  
22 dispute. I don't know what that  
23 means. I know that Chase Robinson  
24 ordered these. I know that Chase  
25 Robinson picked them up, and I know

1 T. HARVEY

2 that they did not go to Robert De  
3 Niro. What dispute are you  
4 referring to?

5 Q. How do you know they didn't  
6 go to Robert De Niro?

7 A. How do I know? Because  
8 they -- the flowers never arrived at  
9 [REDACTED]

10 Q. How do you know that?

11 A. From talking to various  
12 people.

13 Q. You specifically discussed  
14 this charge of September 22, 2018  
15 with people?

16 A. This particular charge, I  
17 am not certain. But in terms of  
18 particular flowers, triple white  
19 orchid and the oblong glass, and you  
20 have to look back. The order date  
21 is September 22nd, 2018, right?

22 Q. Yes.

23 A. Do I have this correct,  
24 yeah. Right. So the idea, and this  
25 is what the jury is going to love,

1 T. HARVEY

2 that flowers were delivered to an  
3 empty house in September of 2018.

4 And if that is your position, that  
5 is fantastic because these flowers  
6 currently were ordered in September  
7 of 2018, when Mr. De Niro did not  
8 really occupy [REDACTED] So the idea  
9 that flowers were delivered there, I  
10 think it is an issue of fact that a  
11 jury is going to absolutely love.

12 Q. Is your answer no, you  
13 didn't specifically discuss this  
14 charge with anyone?

15 MR. DROGIN: Objection to  
16 the form.

17 A. No, that is not my answer.

18 Q. Let me just get a clear  
19 answer on that question.

20 Did you specifically  
21 discuss the charge of September 22,  
22 2018 with anyone?

23 MR. DROGIN: Objection.

24 Now we are going back into  
25 the privilege issue again.

1 T. HARVEY

2 MS. HARWIN: Okay. Let  
3 me rephrase the question.

4 (Simultaneous speaking)

5 MS. HARWIN: Counsel, I  
6 have rephrased it.

7 Q. Did Canal contend any  
8 interviews specifically concerning  
9 the September 22, 2018, charge at  
10 Flowers by Philip?

11 A. Did we conduct any -- an  
12 independent investigation into this  
13 one invoice?

14 Q. As part of Canal's  
15 investigation, were there any  
16 interviews that discussed this  
17 invoice?

18 A. Yes.

19 Q. Who was interviewed  
20 concerning this invoice?

21 MR. DROGIN: Objection.  
22 This is privileged. You are  
23 going into the due diligence  
24 that was conducted by the  
25 attorney and the client to

1 T. HARVEY

2 form the basis for the good  
3 faith belief that actionable  
4 conduct occurred. I am  
5 trying to give you a lot of  
6 leeway here. He has  
7 explained to you why the  
8 conclusion was reached that  
9 this was improper, based on  
10 your unsupported suggestion  
11 that someone has made a  
12 representation that this was  
13 delivered to Mr. De Niro's  
14 home, which is something that  
15 you just suggested. He  
16 explained to you why that is  
17 causable.

18 Q. I believe that was exhibit  
19 57, and now let's do Exhibit 58.

20 MR. DROGIN: Is this a  
21 new exhibit going into the  
22 chat?

23 Q. That is right. This is  
24 Robinson 6834.

25 (Whereupon, Plaintiff's

1 T. HARVEY

2 Exhibit 58, Robinson 6834,  
3 was marked for  
4 identification, as of this  
5 date.)

6 A. Okay.

7 Q. Does Canal have any basis  
8 to dispute that the charge on June  
9 4, 2018, was for replacing plants at  
10 Canal's office?

11 MR. DROGIN: Objection to  
12 the form. You can answer.

13 A. Yes.

14 Q. Okay. Please explain?

15 A. Explain what?

16 Q. The basis for the dispute?

17 A. What dispute?

18 Q. You just answered yes. So  
19 what is the basis for your answer,  
20 sir?

21 A. Okay. Chase Robinson order  
22 this invoice -- Chase Robinson  
23 ordered purple, yellow, all of that  
24 stuff, right? And it was not  
25 delivered to the offices of Canal

1 T. HARVEY

2 Productions.

3 Q. The invoice shows it was  
4 delivered to the offices of Canal  
5 Productions, right?

6 A. The invoice says delivered  
7 to Chase Robinson at 375 Greenwich,  
8 and you are going to have to go in  
9 to see whether, in fact, they were  
10 delivered. Because, I believe,  
11 again, I would have to go back to  
12 the overall Complaint and back to  
13 the budget to see if these were part  
14 of that, and go back to the e-mails  
15 to see if they were then shipped off  
16 to Chase. So just showing me this,  
17 doesn't help.

18 Q. You are familiar with  
19 Canal's allegation that Ms. Robinson  
20 loafed during working hours by binge  
21 watching Netflix?

22 A. Yes. Very.

23 Q. What are the dates when  
24 Canal contends that Ms. Robinson  
25 loafed during working hours by binge

1 T. HARVEY

2 watching Netflix?

3 A. Please stop with the pen.

4 Q. Yes. I have to put down my  
5 pen.

6 What are the dates when  
7 Canal contends that Ms. Robinson  
8 loafed during working hours by binge  
9 watching Netflix?

10 MR. DROGIN: Objection to  
11 the form. You have -- you  
12 have these documents. Do you  
13 really want him to go through  
14 line by line?

15 MS. HARWIN: I am asking  
16 what the dates are.

17 A. I would have to look at  
18 documents.

19 Q. What documents would you  
20 need to look at?

21 MR. DROGIN: Hold on.  
22 This is a range of dates.  
23 Okay? No one can, with  
24 certainty, say that Chase  
25 Robinson was sitting watching



1 T. HARVEY  
2 a show. What we can say with  
3 certainty is that there is an  
4 extraordinary amount of  
5 Netflix usage on that account  
6 over multiple days, over  
7 multiple hours, leading a  
8 rationale human being to  
9 conclude that someone had  
10 that on. If she was  
11 sleeping, or working or in  
12 the bathroom, doing whatever.  
13 The documents speak for  
14 itself. She has denied it.  
15 She denied ever watching it.  
16 The question is not whether  
17 or not on a particular day  
18 she was watching episodes of  
19 Friends. The question is  
20 whether or not she was  
21 working.

22 Q. Mr. Harvey, what documents  
23 would you need to review in order to  
24 answer the question about what are  
25 the dates when Canal contends that

1 T. HARVEY

2 Ms. Robinson loafed during working  
3 hours by binge watching Netflix?

4 A. I would have to start with  
5 the Canal Productions Netflix  
6 statements that showed various  
7 usage.

8 Q. Anything else?

9 A. Sure. For example, I know  
10 when she was in London on, quote,  
11 "vacation," that she wasn't on  
12 vacation, that she was watching  
13 Netflix for an incredible amount of  
14 time. So I get Netflix account, I  
15 see that this was being viewed in  
16 London, I see where everyone else  
17 was including Mr. De Niro, Mr.  
18 Kaplan, Ms. Spear, Ms. Sabrina  
19 Weeks, and making sure that Kaplan's  
20 kids didn't go to London by  
21 themselves, and I figure out, oh,  
22 Chase might have been in London.  
23 Then I go get the airline tickets or  
24 I should say the air miles, and I  
25 see she did purchase a ticket to

1 T. HARVEY

2 London. Then I look at the e-mails,  
3 and the e-mails say, "I will be in  
4 London on vacation." Then I go and  
5 I say, okay, during these dates that  
6 Netflix watching shows like Schitt's  
7 Creek, or whatever else, Friends,  
8 for 14 hours in a particular day,  
9 and I deduce that is Chase. I think  
10 a New York jury is going to  
11 understand this very clearly.

12 Q. So does Canal contend it  
13 was improper for Ms. Robinson to  
14 watch Netflix if she was on  
15 vacation?

16 A. Ms. Robinson was never on  
17 vacation. Right? We are going to  
18 tell the jury that. You are going  
19 to tell the jury that and they are  
20 going to burst out laughing and we  
21 are going to say --

22 (Simultaneous speaking)

23 Q. Mr. Harvey?

24 A. I am not done with my  
25 answer. My contention is that she

1 T. HARVEY  
2 was on vacation. And more  
3 importantly, not only did she watch  
4 Netflix for 14 or 15 hours while she  
5 was in London, or quote, "vacation,"  
6 but she did it at her apartment,  
7 when she was, quote, "working from  
8 home."

9 Q. So in Canal's lawsuit  
10 against Ms. Robinson, it identifies  
11 dates when Ms. Robinson was alleged  
12 to have been binge watching Netflix  
13 from January 8, to January 11,  
14 January 14, and 15, and between  
15 March 25th and March 29th.

16 Are those the dates when  
17 Canal contends that Ms. Robinson was  
18 binge watching Netflix?

19 MR. DROGIN: Objection to  
20 the form. Which Complaint  
21 are you talking about?

22 MS. HARWIN: The  
23 Complaint that Canal brought  
24 against Ms. Robinson.

25 MR. BENNETT: Not --

1 T. HARVEY

2 MS. HARWIN: It is the  
3 same in both.

4 A. What is the question?

5 Q. Are those the dates when  
6 Canal contends that Ms. Robinson was  
7 loafing during working hours by  
8 binge watching Netflix?

9 MR. DROGIN: Objection to  
10 the form.

11 A. The dates in the -- the  
12 dates in the Complaint reflect what  
13 the Netflix statements and other  
14 documents indicated Ms. Robinson was  
15 watching Schitt's Creek and other  
16 shows.

17 Q. I have brought into the  
18 chat Exhibit 59.

19 MR. DROGIN: I just want  
20 to correct something. You  
21 misspoke and the witness has  
22 adopted your statement.

23 Paragraph 57 says, "A  
24 review of Canal's Netflix  
25 account, to which she had

1 T. HARVEY

2 access, indicates that  
3 Robinson spent astronomical  
4 amounts of time accessing  
5 these shows, not only on  
6 weekends and holidays."

7 I don't want to quibble  
8 with you over accessing  
9 versus watching. I don't  
10 think anybody is contending  
11 that she was sitting there  
12 staring at a screen doing  
13 nothing else. Nobody can  
14 prove what she was actually  
15 doing, other than during the  
16 working day, if I have  
17 Friends on in the background,  
18 and I have a hearing loss in  
19 one of my ears, I am not  
20 paying full attention to my  
21 \$300,000 a year job.  
22 Especially since anybody can  
23 call at any time and jump and  
24 say how high. Let's just be  
25 clear. Let's not

1 T. HARVEY  
2 mischaracterize because that  
3 was carefully drafted. No  
4 one can prove that she was  
5 sitting watching. Can I  
6 prove that she loafing by the  
7 excessive amounts of time  
8 that this -- that this was  
9 on? I think so. I think so.

10 A. Are we waiting for a  
11 document?

12 Q. I believe we are. So the  
13 next exhibit is 59, which is Bates  
14 stamped Canal 0010215 through 251.

15 A. I didn't get it yet.

16 Q. It should pop up soon and I  
17 believe it is Exhibit 59. I'm  
18 sorry. I am wrong about the number.  
19 It is previously marked as Exhibit  
20 36 so it is not 59.

21 MR. DROGIN: This is  
22 previously marked?

23 MR. BENNETT: It is 125  
24 megs so it is going to take  
25 me a moment to download it.

1 T. HARVEY

2 MR. DROGIN: What is it?

3 MS. HARWIN: The Netflix  
4 viewing history that was  
5 previously marked.

6 MR. BENNETT: Don't wait  
7 for me. I understand what it  
8 is.

9 Q. Mr. Harvey, do you  
10 recognize this document?

11 A. I haven't opened it yet.  
12 It is downloading. I have it open.

13 Q. Do you recognize this  
14 document?

15 A. Yes.

16 Q. Is this the Netflix viewing  
17 history that served as a basis of  
18 Canal's contention that Ms. Robinson  
19 loafed during working hours binge  
20 watching Netflix?

21 MR. DROGIN: Objection to  
22 the form.

23 A. It appears to be.

24 Q. The Netflix viewing history  
25 contained at Exhibit 36 does not



1 T. HARVEY

2 identify where videos were accessed,  
3 correct?

4 A. This exhibit does not, that  
5 is correct.

6 Q. And the Netflix viewing  
7 history contained in Exhibit 36 does  
8 not identify who accessed videos,  
9 correct?

10 A. This document doesn't,  
11 correct.

12 Q. The Netflix viewing history  
13 contained in Exhibit 36 does not  
14 show the times that these were  
15 accessed, correct?

16 MR. DROGIN: Objection.

17 A. Correct, this document  
18 doesn't.

19 Q. Can Canal say, with  
20 certainty, Ms. Robinson's accessed  
21 any of the Netflix videos referenced  
22 in Canal's lawsuit during working  
23 hours?

24 MR. DROGIN: Objection to  
25 the form.

1 T. HARVEY

2 A. Can Canal say with  
3 certainty? What is certainty?

4 MR. DROGIN: That was my  
5 objection to the form.

6 Q. Does Canal have any  
7 evidence that Ms. Robinson accessed  
8 any of the videos referenced in  
9 Canal's lawsuit during working  
10 hours?

11 MR. DROGIN: Objection to  
12 the form.

13 A. Ladies and gentleman of the  
14 jury, you are --

15 Q. Mr. Harvey, please answer  
16 the question.

17 A. I am certainly answering  
18 your question.

19 Q. Not with a speech. Please  
20 just answer the question.

21 A. I am not going to argue  
22 with you. Counsel, when you are  
23 done speaking, I will answer. Let  
24 me know we you are done.

25 MS. HARWIN: Madam

1 T. HARVEY

2 Reporter, can you repeat the  
3 question for Mr. Harvey?

4 (Whereupon, the requested  
5 portion was read back by the  
6 reporter:

7 Q: Does Canal have any  
8 evidence that Ms. Robinson  
9 accessed any of the videos  
10 referenced in Canal's lawsuit  
11 during working hours?)

12 A. Yes.

13 Q. What is that evidence?

14 A. The evidence that Ms.  
15 Robinson was at home and/or in a  
16 hotel and she was streaming these  
17 shows.

18 Q. What evidence is there that  
19 these shows were accessed during  
20 working hours?

21 A. That is simple. According  
22 to Ms. Robinson, she worked 24/7.  
23 So isn't every minute of the day a  
24 working hour for her?

25 Q. So Canal doesn't have any

1 T. HARVEY

2 evidence that any of the videos were  
3 accessed before 5:00 p.m. on the  
4 date that Canal identifies in its  
5 lawsuit, correct?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Incorrect.

9 Q. What is Canal's evidence  
10 that the videos that are referenced  
11 in Canal's Complaint were accessed  
12 prior to 5:00 p.m.?

13 A. Prior to what?

14 Q. 5:00 p.m.?

15 A. Yeah. We are going to have  
16 testimony from various individuals.

17 Q. Which individuals?

18 A. Michael Kaplan, Amelia  
19 Brain, and there may be one other.

20 MR. DROGIN: Note also  
21 that as you are aware there  
22 is a Subpoena outstanding to  
23 Netflix for additional  
24 information about access  
25 times.

1 T. HARVEY

2 Q. What is it that Canal was  
3 told by Amelia Brain concerning Ms.  
4 Robinson's Netflix usage?

5 A. I believe she said that  
6 Chase was always watching Netflix.  
7 When we were trying to determine who  
8 was watching Schitt's Creek, for  
9 example, for those number of hours,  
10 you had to back into it. You had to  
11 say who else could have possibly  
12 watched these shows? For example,  
13 Michael Kaplan had access. It was  
14 pretty simple that his five year old  
15 kid probably wasn't watching 14  
16 hours of Schitt's Creek on any  
17 particular day. And again, Michael  
18 Kaplan had access, so maybe it was  
19 him. He assures me, and we will see  
20 what the jury says, that he was not  
21 the one that was doing that. And  
22 mentioned the fact that Chase  
23 Robinson loved that show. When I  
24 discussed this two years ago,  
25 whenever it was with Amelia Brain,

1 T. HARVEY

2 she said, yes, that she had been at  
3 Chase's, or apartment, or mother's  
4 apartment I should say, with Chase  
5 watching these shows. So that is  
6 how we -- that is the evidence that  
7 we have. Together with additional  
8 information from Netflix who will be  
9 able to tell us what device and what  
10 time -- what time I think they will  
11 able to tell us what times these  
12 shows were viewed or access -- I  
13 should say accessed.

14 Q. So when Canal brought its  
15 lawsuit, it didn't have any  
16 documentation as to when Netflix had  
17 been accessed, correct?

18 MR. DROGIN: Objection to  
19 the form.

20 MS. HARWIN: Let me  
21 restate.

22 Q. When Canal brought its  
23 lawsuit, it didn't have any  
24 documentation as to what time videos  
25 had been accessed from Netflix,

1 T. HARVEY

2 correct?

3 A. We didn't have any  
4 documentary evidence if that is what  
5 you mean.

6 Q. I am going to show you  
7 Exhibit 59, which is comprised of  
8 Robinson 0000109 -- sorry. 18091810  
9 and 1821.

10 (Whereupon, Plaintiff's  
11 Exhibit 59, Robinson 18091810  
12 and 1821, was marked for  
13 identification, as of this  
14 date.)

15 A. I have opened it.

16 Q. Are you aware that Ms.  
17 Robinson maintained records at the  
18 time she spent working at Canal,  
19 since at least August of 2017?

20 MR. DROGIN: Objection to  
21 the form.

22 A. I am aware that Chase  
23 Robinson thinks that she can create  
24 documents after she leaves Canal to  
25 try to foster her fraudulent

1 T. HARVEY

2 lawsuit.

3 Q. Well, documents have been  
4 produced since August 2017, correct?

5 A. No, that is not correct.  
6 Documents that say -- some document  
7 that create. Although, strangely,  
8 bizarrely, there is nothing about  
9 overtime, sexual harassment,  
10 bullying, or anything like that in  
11 the thousands of pages that she  
12 presented. Just these self-serving  
13 statements. So the documents speak  
14 for themselves.

15 Q. So Canal -- does Canal have  
16 any basis to dispute that Ms.  
17 Robinson worked the hours reflected  
18 on the records contained in Exhibit  
19 59?

20 A. Yes.

21 MR. DROGIN: Objection to  
22 the form.

23 Q. And what is that basis?

24 A. These were -- Chase made  
25 these up. They are ridiculous.



1 T. HARVEY

2 Good luck. Good luck with a jury in  
3 these. She forget to send them to  
4 anyone else but herself. She wasn't  
5 up to a scam. Don't worry about it.  
6 The jury will believe her.

7 MR. DROGIN: Just -- come  
8 on. Just answer the  
9 question.

10 A. No. They are absurd. They  
11 are self-serving statements. They  
12 say what they say.

13 Q. The question is, does Canal  
14 have any basis to dispute that Ms.  
15 Robinson worked the hours reflected  
16 on these records?

17 A. Yes, is the short answer.  
18 I would have to go and get the  
19 e-mails from each day to dispute and  
20 show you or show a jury.

21 Q. Sitting here today, you  
22 have not done that, is that correct?

23 MR. DROGIN: Objection to  
24 the form that -- that -- that  
25 is privilege.

1 T. HARVEY

2 MR. BENNETT: I'm lost.

3 What does that have to do

4 with the 30(b)(6)? I am

5 lost.

6 Q. Mr. Harvey, can you answer  
7 the pending question?

8 MR. DROGIN: Why don't we

9 hear it back? I don't even

10 know --

11 (Whereupon, the requested  
12 portion was read back by the  
13 reporter:

14 Q: Sitting here today,  
15 you have not done that, is  
16 that correct?)

17 A. Done what?

18 (Whereupon, the requested  
19 portion was read back by the  
20 reporter:

21 Q: The question is, does  
22 Canal have any basis to  
23 dispute that Ms. Robinson  
24 worked the hours reflected on  
25 these records?)

1 T. HARVEY

2 MS. HARWIN: His answer.

3 (Whereupon, the requested  
4 portion was read back by the  
5 reporter:

6 A: Yes, is the short  
7 answer. I would have to go  
8 and get the e-mails from each  
9 day to dispute and show you  
10 or show a jury.)

11 Q. You haven't done that,  
12 correct?

13 A. Done what?

14 MR. DROGIN: Objection.

15 Q. What you just described?

16 A. What?

17 MS. HARWIN: Madam Court  
18 Reporter, can you read back  
19 his answer one more time?

20 (Whereupon, the requested  
21 portion was read back by the  
22 reporter:

23 A: Yes, is the short  
24 answer. I would have to go  
25 and get the e-mails from each

1 T. HARVEY

2 day to dispute and show you  
3 or show a jury.)

4 Q. You haven't done that,  
5 correct?

6 MR. DROGIN: Objection to  
7 the form.

8 A. Done what?

9 Q. What you described, Mr.  
10 Harvey.

11 A. You can give me the stupid  
12 looking face, but the reality is  
13 there --

14 Q. Mr. Harvey --

15 A. What show what Chase --  
16 what show what Chase Robinson was or  
17 was not doing on the particular day.  
18 I know that -- did I know that you  
19 are going to show me a document that  
20 Chase Robinson created, apparently,  
21 on January 14, 2019, reflecting her  
22 time for January 7, 2018, with  
23 descriptions she made, and do I have  
24 those documents in my back pocket?  
25 No. Sorry.

1 T. HARVEY

2 MR. DROGIN: I don't want  
3 this to degrade, and I'm  
4 really not sure this is  
5 helpful, but as Canal's  
6 Counsel, to hopefully assist  
7 here, just because you pulled  
8 this document up, if you look  
9 on the time entry that she  
10 has made here, for March  
11 26th, 2019, which is a  
12 Tuesday, she said that she  
13 worked from 7:30 a.m. to  
14 11:00 p.m., 15 hours and 30  
15 minutes. I don't think  
16 anyone can say with  
17 certainty --

18 MS. HARWIN: Which date  
19 are you on Counsel? Or which  
20 page?

21 MR. DROGIN: 18 -- 1811  
22 -- 1821. No one can say with  
23 certainty whether she  
24 accurately reported her hours  
25 as working from 7:30 a.m. to

1 T. HARVEY

2 11:00 p.m.

3 Based on date, however, I  
4 am confident that the  
5 likelihood is her call with  
6 Michael Tasch was recorded.  
7 So you are correct that I  
8 can't prove to -- to that an  
9 absolute certainly whether it  
10 is accurate or inaccurate.

11 I do know, however, when  
12 I look at the Netflix account  
13 someone accessed 13 episodes  
14 of Schitt's Creek and  
15 Arrested Development that  
16 day. So is it conceivably  
17 possibly that after working  
18 15 and a half hours Chase  
19 Robinson slept while those  
20 shows were on? I guess, in  
21 theory, it is possible. But  
22 it a theory. I mean, let's  
23 be -- let's be frank, and  
24 let's be real about what  
25 these documents show. I

1 T. HARVEY  
2 don't think this is really  
3 what -- you can do with this  
4 deposition whatever you want.  
5 Okay? Is there anything else  
6 that you want as a  
7 representation from Canal on  
8 this point? It is logic. It  
9 is preponderance of the  
10 evidence. I guess we could  
11 quiz her on Arrested  
12 Development to see if she  
13 knows the answers. You can  
14 ask her about Schitt's Creek,  
15 too.

16 MS. HARWIN: Bottom line,  
17 there is no evidence at all  
18 that any videos were accessed  
19 during working hours,  
20 correct.

21 MR. DROGIN: That is not  
22 true. That is -- that is a  
23 conclusory statement that you  
24 have made, and one witness  
25 has already testified he was

1 T. HARVEY  
2 at her home when he saw it  
3 on. Just match up -- match  
4 up these hours from this  
5 week, which is the week  
6 leading up to her  
7 resignation, the hours that  
8 she said she worked, and look  
9 at the Netflix viewing  
10 history. This is not a  
11 criminal prosecution here.

12 MS. HARWIN: Okay.

13 Q. I would like to turn to the  
14 March 2018 trip to Los Angeles.

15 Was Mr. De Niro interviewed  
16 about Ms. Robinson's trip to Los  
17 Angeles in March of 2018?

18 MR. DROGIN: By whom?

19 MS. HARWIN: By anyone.

20 MR. DROGIN: How would he  
21 know that? Objection.

22 A. I can tell you that I spoke  
23 to him about it.

24 Q. And how long did that  
25 conversation last?



1 T. HARVEY

2 A. Briefly.

3 Q. How long?

4 A. Four minutes.

5 Q. What factual information  
6 did Mr. De Niro provide concerning  
7 Ms. Robinson's trip to Los Angeles  
8 in March of 2018?

9 MR. DROGIN: Objection.  
10 That is privileged. You know  
11 it is privileged.

12 MS. HARWIN: Canal has  
13 designated a witness to  
14 testify about the facts and  
15 circumstances leading to its  
16 State Court lawsuit. I  
17 believe we are entitled to  
18 that lawsuit.

19 MR. DROGIN: Facts and  
20 circumstances yes, but  
21 according --

22 MS. HARWIN: Counsel,  
23 just -- if you let Mr. Harvey  
24 answer this question, you  
25 know, we are not taking a

1 T. HARVEY

2 position that that waives  
3 your objection as to other  
4 matters. I think it would  
5 speed along this deposition  
6 if we can just get that  
7 answer.

8 MR. MERINGOLO: Why don't  
9 we just mark it for a later  
10 discussion? I think we are  
11 going to have a lot of  
12 pushback on this question.  
13 If that is okay?

14 MS. HARWIN: Okay.

15 Q. Why don't you identify for  
16 me everyone that was interviewed  
17 about the March 2018 trip to Los  
18 Angeles?

19 A. Well, you keep using the  
20 term interviewed. I spoke with  
21 Michael Kaplan, Sabrina, Jillian,  
22 Amelia Brain, Peter Temper (ph) I  
23 spoke to. There may have been other  
24 people. That is what I remember off  
25 the top of my head.

1 T. HARVEY

2 Q. You didn't speak to Robin  
3 Chambers about this trip, correct?

4 MR. DROGIN: Objection.

5 A. About what trip?

6 Q. I'm sorry. I could not  
7 hear the answer?

8 A. About what trip?

9 Q. The March 2018 trip to Los  
10 Angeles?

11 A. By Chase Robinson to Los  
12 Angeles, is that what you are  
13 referring to?

14 Q. Yes.

15 A. I did not speak to Robin  
16 Chambers about it until -- no, I  
17 don't think I ever spoke to her  
18 about it.

19 MR. DROGIN: For  
20 completeness, I also want to  
21 point out that during some of  
22 the audio recordings that  
23 Chase made with Robin  
24 Chambers, they were also  
25 during the week of the last

1 T. HARVEY

2 week in March of 2019, and  
3 those are not reflected on  
4 her time sheets. Some of  
5 them are not.

6 Q. At the time Ms. Robinson  
7 traveled to Los Angeles, in March of  
8 2018, are you aware that Toukie  
9 Smith was preparing to undergo  
10 treatment for multiple sclerosis in  
11 Los Angeles?

12 A. Oh, I am very well aware of  
13 that, yes.

14 Q. And when was Ms. Smith  
15 going to undergo treatment for  
16 multiple sclerosis?

17 A. I would have to look at the  
18 reservation that was made two weeks  
19 before Chase Robinson went to Los  
20 Angeles, after she spoke to Ms.  
21 Smith's travel agent and gave her  
22 the hotel that Ms. Smith would be  
23 traveling to.

24 Q. Are you aware of subsequent  
25 discussions between Ms. Robinson and

1 T. HARVEY

2 Mr. De Niro concerning Toukie Smith  
3 and her treatment of multiple  
4 sclerosis?

5 A. Say that again?

6 Q. Are you aware of subsequent  
7 conversations that took place  
8 between Mr. De Niro and Ms. Robinson  
9 concerning Toukie Smiths' upcoming  
10 treatment for multiple sclerosis?

11 A. You are saying, "upcoming  
12 treatment." Upcoming from when?

13 Q. As of March of 2018?

14 A. Am I aware that Chase spoke  
15 to Robert De Niro about Toukie's  
16 possibly going to Los Angeles to be  
17 treated by a doctor in Los Angeles?

18 Q. Yes.

19 A. Yes.

20 Q. Okay.

21 Robin Chambers testified  
22 about the purpose of Ms. Robinson's  
23 trip to Los Angeles in March of  
24 2018.

25 Do you recall that

1 T. HARVEY

2 testimony?

3 A. I do.

4 Q. And Ms. Chambers testified  
5 that the primary purpose had to do  
6 with identifying hotels for Toukie  
7 Smith rather than the delivery of  
8 Taxi Driver books.

9 Does Canal dispute Ms.  
10 Chambers' testimony about the  
11 primary purpose of Ms. Robinson's  
12 trip?

13 A. When you say, "dispute her  
14 testimony," Ms. Chambers got that  
15 information from Chase Robinson.  
16 She is parroting what Chase told  
17 her. I am disputing that is a  
18 ridiculous lie that I will disprove  
19 at trial. I would be happy to  
20 explain it to you.

21 You can tell your client  
22 that we have her signed signature  
23 booking a hotel two weeks before she  
24 goes to Los Angeles. We have  
25 communications, I believe, or I can

1 T. HARVEY

2 get from the travel agent showing  
3 the travel agent saying, "Hey,  
4 Toukie always stays at this hotel."  
5 You will have to explain to me why  
6 Chase Robinson had to go to Los  
7 Angeles, and got Mr. De Niro's  
8 permission to check out a local  
9 hotel that Toukie Smith consistently  
10 stayed at. And the beauty of it,  
11 Toukie never went. Good luck with  
12 that one.

13 Q. Does Canal have any  
14 evidence that Ms. Robinson asked to  
15 go to Los Angeles in March of 2018?

16 A. Canal has plenty of  
17 evidence.

18 Q. What is that evidence?

19 A. Well, there will be  
20 testimony from Kaplan, there will be  
21 testimony from Jillian, there will  
22 be testimony from Sabrina, there  
23 will be testimony from Robert De  
24 Niro, there will be testimony from  
25 Amelia Brain, and I am sure Robin

1 T. HARVEY

2 Chambers will be happy to come and  
3 explain where she came up with this  
4 idea that that it was a legitimate  
5 trip. And there may be something on  
6 the tapes, the 40 something hours.  
7 I think there is something on the  
8 tapes. Chase's own words should do  
9 her in.

10 Q. So it is your testimony  
11 that all these people will testify  
12 that Ms. Robinson asked to go to Los  
13 Angeles in March of 2018?

14 A. Read back my answer. It  
15 speaks for itself.

16 Q. My question is, what  
17 evidence does Canal have that Ms.  
18 Robinson asked to go to Los Angeles  
19 in March of 2018? I would like you  
20 to answer that question.

21 A. You have asked it three  
22 times. I have answered it three  
23 times.

24 (Simultaneous speaking)

25 A. One of us can speak at a



1 T. HARVEY

2 time. I don't mean to speak over  
3 you, but evidence can be testimony.  
4 So yes, there will be testimony at  
5 the trial that Ms. Robinson not only  
6 asked, but begged to essentially go.

7 Q. Who -- who said that Ms.  
8 Robinson begged to go to Los  
9 Angeles?

10 A. It would be quicker to say  
11 who didn't -- who won't say it.  
12 Sabrina Weeks, Jillian Spear,  
13 Michael Kaplan, will testify, I  
14 believe, that she really wanted to  
15 go to Amelia's birthday party. And  
16 other evidence. You are asking  
17 about the other evidence? It just  
18 so happens she went to Nobu twice.  
19 It just so happens that she stayed  
20 at the hotel -- the Montage Hotel,  
21 in Beverly Hills, instead of going  
22 to the hotel she is supposedly  
23 scouting in Santa Monica.

24 Now that is probably not  
25 very strong in your evidence in your

1 T. HARVEY

2 mind, but I think a jury is going to  
3 get it.

4 Q. Canal doesn't dispute that  
5 there was a delay in when the Taxi  
6 Driver books were delivered to Los  
7 Angeles, right?

8 A. What is that?

9 Q. Canal doesn't dispute that  
10 there was a delay in when the Taxi  
11 Driver books were delivered to Los  
12 Angeles, correct?

13 A. What does that mean, a  
14 dispute? What is a dispute?

15 MR. MERINGOLO: I  
16 apologize. Can we just take  
17 a few-minute break? Maybe  
18 bathroom. And just one  
19 question it is no big deal,  
20 but do you think this is  
21 going to go on much longer?

22 MS. HARWIN: I think it  
23 will go on for a while.  
24 Let's just get an answer to  
25 that question, and I am happy

1 T. HARVEY

2 to get a break.

3 MR. MERINGOLO: Sure.

4 Sure.

5 Q. So there was a delay in  
6 when the Taxi Driver books were  
7 delivered to Los Angeles, correct?

8 A. No. You can say it one  
9 thousand times. Just because you  
10 want those to be the facts, aren't  
11 the facts.

12 Q. So Canal disputes there was  
13 a delay in when the Taxi Driver  
14 books were --

15 MR. DROGIN: Objection.

16 A. You keep using -- you keep  
17 making up this set of facts and  
18 saying we dispute that. You are not  
19 asking a factual question. You are  
20 just making an assertion, a  
21 ridiculous one at that.

22 MS. HARWIN: I'm going to  
23 ask one more question and  
24 then we can take a break.

25 Q. Ms. Robinson's return trip

1 T. HARVEY

2 to New York was moved up when there  
3 was a snowstorm coming, is that  
4 right?

5 MR. DROGIN: Objection to  
6 the form.

7 A. When you say -- no. Ask me  
8 a factual question. Ask me what day  
9 she came back. I don't know if she  
10 decided to stay there for ten years  
11 or ten minutes. How would I know if  
12 it was quote, "moved up" or moved  
13 back, or moved anywhere.

14 MS. HARWIN: This is a  
15 good time for a break. When,  
16 counsel, would you like to  
17 return?

18 MR. MERINGOLO: If we  
19 took a ten-minute break. Do  
20 you think you are going to go  
21 past 5:00? Obviously you  
22 could.

23 MS. HARWIN: I -- you  
24 know, I do anticipate that we  
25 will go past 5:00.

1 T. HARVEY

2 MR. DROGIN: I would like  
3 to take a 15-minute break. I  
4 would like to confer with Ms.  
5 Lazzaro and Mr. Bennett.

6 MS. HARWIN: That is fine  
7 with us.

8 THE VIDEOGRAPHER: The  
9 time is now 3:33 p.m. We are  
10 off the record.

11 (Whereupon, a recess was  
12 taken at this time.)

13 THE VIDEOGRAPHER: The  
14 time is 3:50 p.m. We are  
15 back on the record.

16 Q. Mr. Harvey, turning your  
17 attention back to Canal's Complaint  
18 against Ms. Robinson, in Paragraph  
19 22 and 23 of the Complaint there are  
20 allegations made about reimbursement  
21 and direct payments that are claimed  
22 to be under false pretensions for  
23 personal services and items such as  
24 iPhones, a Louis Vuitton, and hiring  
25 a dog sitter.

1 T. HARVEY

2 Are you familiar with those  
3 allegations?

4 A. I am.

5 Q. What documents serve as the  
6 basis of these allegations that  
7 Canal made against Ms. Robinson?

8 MR. DROGIN: Objection to  
9 the form. Compound.

10 A. Are you talking about the  
11 allegations in a particular  
12 paragraph of the Complaint?

13 Q. Yes. That were identified  
14 in Paragraph 22 and 23?

15 A. Of the State Court action?

16 Q. Yes, sir.

17 A. Okay.

18 And you want to know what  
19 proof I have, for example, that Ms.  
20 Robinson had iPhones she bought for  
21 herself, and got reimbursed from  
22 Canal?

23 Q. My question was about what  
24 documents served for the basis of  
25 the allegations?

1 T. HARVEY

2 A. Sure. The backup with  
3 respect to the purchase for a  
4 respective phone, and the fact that  
5 it wasn't authorized by Canal. It  
6 was not a legitimate expense.

7 Q. What -- what backup are you  
8 referring to, sir?

9 A. Well, you would have to go  
10 to each item. Which item would you  
11 like?

12 Q. I am asking about the  
13 allegations in Paragraphs 22 and 23  
14 in Canal's Complaint, which  
15 corresponds to Paragraph 169 and 170  
16 in Canal's Counterclaims.

17 What are the documents that  
18 serve as basis for the allegations?

19 MR. DROGIN: Objection to  
20 form.

21 A. I would have to take it to  
22 the individual items.

23 Q. Okay. Well, I would like  
24 you to identify all documents. If  
25 you would like to break it up in

1 T. HARVEY

2 doing so, that is fine?

3 A. With respect to the dog  
4 sitter, Mr. De Niro or Canal did not  
5 authorize Ms. Robinson to use petty  
6 cash or otherwise pay for dog  
7 sitters.

8 With respect to a Louis  
9 Vuitton handbag, Mr. De Niro didn't  
10 authorize that purchase, I believe  
11 it is on American Express.

12 (Technical interference)

13 With respect to the Louis  
14 Vuitton there would be, I believe,  
15 an American Express receipt or  
16 charge with respect to the Louis  
17 Vuitton bag.

18 And with respect to the  
19 iPhones, there were a number of  
20 iPhones purchased by Ms. Robinson  
21 that were charged to Canal  
22 Productions, which were not  
23 authorized.

24 Q. What documents serve as the  
25 basis for these allegations against



1 T. HARVEY

2 Ms. Robinson?

3 A. Again, you would have to go  
4 through each one.

5 For the dog sitter I  
6 believe it was petty cash.

7 For the Louis Vuitton, I  
8 believe it was American Express.

9 The iPhones I believe there  
10 were charges. I'm not sure off the  
11 top of my head whether it was  
12 American Express or charged through  
13 the Canal phone bill.

14 Q. Was Ms. Robinson permitted  
15 to charge Canal for her work iPhone?

16 MR. DROGIN: Objection to  
17 the form.

18 A. Everyone was given a phone  
19 with respect to work. The work by  
20 Canal certainly since 2013.

21 Q. So Ms. Robinson was  
22 permitted to obtain a phone for her  
23 work at Canal, correct?

24 A. When you say, "obtain," she  
25 was given or provided a phone paid

1 T. HARVEY

2 for by Canal certainly between 2013  
3 and until the day she quit, yes.

4 Q. And Ms. Robinson also  
5 purchased a duplicate phone for Mr.  
6 De Niro to assist with his divorce  
7 proceedings, is that correct?

8 A. No, that is not correct.

9 Q. So but Ms. Robinson did  
10 have a duplicate phone that was  
11 purchased to assist in Mr. De Niro's  
12 divorce proceedings, correct?

13 A. Again. Not correct.

14 Q. What part of that is not  
15 correct, sir?

16 A. The whole part.

17 Q. There wasn't a duplicate  
18 phone that was used for Mr. De  
19 Niro's divorce proceedings?

20 A. That was not your question.

21 Q. You said the whole part is  
22 not correct. I am trying to get at  
23 what aspects you disagree with.

24 Was a duplicate iPhone used  
25 to assist Mr. De Niro and his lawyer

1 T. HARVEY

2 in his divorce proceedings?

3 MR. DROGIN: Objection.

4 Can I hear that back?

5 (Whereupon, the requested  
6 portion was read back by the  
7 reporter:

8 Q: You said the whole  
9 part is not correct. I am  
10 trying to get at what aspects  
11 you disagree with.

12 Was a duplicate iPhone  
13 used to assist Mr. De Niro  
14 and his lawyer in his divorce  
15 proceedings?)

16 MR. DROGIN: I don't know  
17 why that is not privileged  
18 either. But it -- you are  
19 talking about --

20 A. What you are trying to ask  
21 is was Chase Robinson provided a  
22 phone that she used to go on Bob's  
23 e-mails or text messages, that she  
24 thereafter used and monitored his  
25 e-mails or texts without his

1 T. HARVEY

2 permission. I think that is your  
3 question. I think I answered it.

4 Q. So that -- that doesn't  
5 answer my question.

6 Was a duplicate or clone  
7 iPhone used for Mr. De Niro's  
8 divorce proceedings?

9 A. I don't know what that  
10 means. Again, a phone was given to  
11 Ms. Robinson in which she  
12 volunteered to clone Mr. De Niro's  
13 phone. She was supposed to look at  
14 it briefly for scheduling. Instead,  
15 she use it to search and basically  
16 monitor Mr. De Niro's communication  
17 with his girlfriend and everyone  
18 else. Both text messages and  
19 communications I believe.

20 Q. So Ms. Robinson was -- let  
21 me restate that.

22 Ms. Robinson was tasked  
23 with looking at Mr. De Niro's  
24 messages to assist in his divorce  
25 schedule, is that correct?

1 T. HARVEY

2 A. No. That is not correct.

3 Q. Can you clarify what you  
4 meant?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 "Rather than looking at your phone  
10 and wasting that time and energy, I  
11 will just clone your phone, look at  
12 the information, and then give the  
13 phone and everything else back."  
14 Instead, she chose to use it to  
15 monitor him secretly.

16 Q. The purchase of the clone  
17 phone was authorized by Mr. De Niro,  
18 correct?

19 A. I don't know what you mean  
20 by when you say, "clone phone."

21 Q. You were just talking about  
22 a clone phone. So that was an  
23 authorized iPhone purchase, correct?

24 A. I don't believe that was  
25 purchased with respect -- that was

1 T. HARVEY

2 not purchased as far as I know by  
3 Chase Robinson. I believe it was  
4 already in the office as an extra  
5 phone.

6 Q. What specific -- let me ask  
7 a different question.

8 Is it Canal's contention  
9 that every single iPhone that was  
10 purchased by Ms. Robinson and  
11 charged to petty cash was not  
12 authorized?

13 MR. DROGIN: Objection to  
14 the form.

15 A. I don't know what time  
16 period you are talking about. I  
17 don't know if you are referring to  
18 other iPhones that were purchased  
19 for other individuals. You are  
20 going to have to narrow it down a  
21 little bit.

22 Q. What iPhones does Canal  
23 contend were not authorized for Ms.  
24 Robinson to charge to petty cash?

25 A. You were supposed to have

1 T. HARVEY

2 one work phone that Canal would pay  
3 for.

4 Q. Does Canal have any  
5 evidence that Ms. Robinson was  
6 charging Canal for more than one  
7 work phone at a time?

8 A. I thought it was four  
9 phones. Yes, we do. We have her  
10 charges where she charged, I think  
11 it was four phones, but I would have  
12 to look at everything.

13 Q. Is it Canal's contention  
14 that Ms. Robinson was using four  
15 iPhones simultaneously?

16 A. No.

17 Q. Does Canal have any  
18 evidence that more than one phone  
19 was being used at a time?

20 A. I wasn't with Ms. Robinson  
21 when she was using the various  
22 phones. I wouldn't know.

23 Q. Does Canal have any  
24 evidence that the phones purchased  
25 were not used for work?

1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form. That is not the  
4 contention just so we are  
5 clear. This is what you are  
6 doing again. You are making  
7 up facts. Canal has no  
8 evidence that those iPhones  
9 weren't attached to hot air  
10 balloon and sent into the  
11 stratosphere either. But  
12 that is not what they are  
13 contending. You are asking  
14 about negatives. We contest  
15 something -- we contest  
16 something that we never  
17 contended. I don't know how  
18 to answer that.

19 A. You say the phones, and you  
20 don't identify the time period, et  
21 cetera. So I don't know what to  
22 tell you. It is a very difficult  
23 question to answer because you are  
24 not referring or connecting to  
25 anything or anybody.



1 T. HARVEY

2 Q. Identify for me what  
3 specific phones Canal contends Ms.  
4 Robinson improperly charged?

5 A. When you say, "charged,"  
6 you mean stole, or purchased, or  
7 however you want to describe it?  
8 You want me to give you the Apple ID  
9 for each phone? Is that what you  
10 are asking me?

11 Q. I would like for you to  
12 identify the phone in some way;  
13 whether it is by Apple ID, by date  
14 of purchase or some other manner in  
15 which we can ascertain what phone it  
16 is that Canal contends were  
17 improperly obtained?

18 MR. DROGIN: Objection to  
19 the form.

20 A. I think you are asking me  
21 to get our phone bill, or receipt  
22 for the phone, or the charge for  
23 phone to give to you. I can show  
24 you I think four purchases, whether  
25 it is through petty cash, or

1 T. HARVEY

2 whatever, but I don't have that in  
3 front of me.

4 Q. So are -- is it Canal's  
5 contention that all four iPhones  
6 were improper charges?

7 A. It is Canal's contention  
8 that Ms. Robinson used petty cash  
9 and other means to purchase iPhones  
10 that she wasn't entitled to. That  
11 is our contention.

12 Q. And how many iPhones does  
13 Canal contend were improperly  
14 charged?

15 A. I believe it is four.

16 Q. And over what period?

17 A. From 2013, to the day she  
18 quit.

19 Q. Were there any other  
20 iPhones besides those four that  
21 Canal provided to Ms. Robinson  
22 during that period?

23 A. I am not sure. And I -- I  
24 think she actually -- she -- when --  
25 she stole all that stuff, we asked

1 T. HARVEY

2 for it for two years, I think she  
3 gave one iPhone back. So I have to  
4 check my records to see if that is  
5 contained within the four iPhones or  
6 not.

7 Q. Mr. Harvey, I would like  
8 you to listen to the question and  
9 then answer it.

10 MS. HARWIN: Madam Court  
11 Reporter, can you read back  
12 the question?

13 (Whereupon, the requested  
14 portion was read back by the  
15 reporter:

16 Q: Were there any other  
17 iPhones besides those four  
18 that Canal provided to Ms.  
19 Robinson during that period?)

20 A. Yeah, the one that she  
21 returned, I think, when she stole  
22 all the stuff and returned it two  
23 years later.

24 Q. That was a fifth phone you  
25 are contending?

1 T. HARVEY

2 A. I am not contending. You  
3 asked me if there is any other  
4 phones. I believe that was one. I  
5 don't believe that is within the  
6 four.

7 Q. Under certain circumstances  
8 Mr. De Niro would authorize  
9 employees to charge dog sitting  
10 expenses, is that correct?

11 MR. DROGIN: Objection to  
12 the form.

13 A. If you are suggesting -- I  
14 think he -- approved -- he may have  
15 approved Robin Chambers' dog sitter  
16 when she came into New York  
17 occasionally.

18 Q. And when Ms. Robinson's dog  
19 was sick with cancer, and Ms.  
20 Robinson was looking for apartments  
21 for Mr. De Niro, Mr. De Niro  
22 authorized her to be reimbursed for  
23 her dog sitting expenses during that  
24 period of time, correct?

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form.

3 A. I don't think that is  
4 correct, no.

5 Q. Why isn't that correct?

6 A. I just told you because I  
7 don't think he said that.

8 Q. Do you know whether he said  
9 that?

10 A. I just said I don't believe  
11 he said that. How would I know? I  
12 wasn't there. If it never happened,  
13 how could I know for sure or as you  
14 say, how could I dispute that?

15 Q. Ms. Robinson would submit  
16 petty cash receipts and sheets on an  
17 ongoing basis, is that correct?

18 A. Say that? Who would?

19 Q. Ms. Robinson?

20 A. Submit them to who?

21 Q. To Michael Kaplan?

22 A. You are using the word  
23 submit like she -- would she handle  
24 Michael Kaplan petty cash receipts,  
25 et cetera? Yes. I am sure she did.

1 T. HARVEY

2 Q. Okay.

3 And what did Canal do to  
4 evaluate the petty cash sheets and  
5 receipts that were submitted to  
6 Michael Kaplan?

7 MR. DROGIN: Objection.

8 This is -- hold on. This is  
9 outside the scope of this  
10 witness's designation. I  
11 think this is topic one.  
12 Policies procedures and  
13 protocols concerning employee  
14 expenses and reimbursements  
15 including use of Canal's  
16 American Express cards, petty  
17 cash, and expenses that Canal  
18 paid for employees.

19 MS. HARWIN: We can -- we  
20 can have Mr. Harvey not  
21 answer, or if he would like  
22 to answer this question, you  
23 know, I -- that is -- that  
24 is --

25 MR. DROGIN: Are you

1 T. HARVEY

2 taking this out of the  
3 30(b)(6), and you asking him  
4 as a fact witness?

5 MS. HARWIN: If he can  
6 answer that as a fact  
7 witness, he is welcome to. I  
8 can also withdraw the  
9 question if you prefer the  
10 other 30(b)(6) witness to  
11 answer.

12 A. I think that makes more  
13 sense, but --

14 Q. We are going to put into  
15 the chat another exhibit spanning  
16 Robinson 0006741 through 52, which I  
17 believe is going to be Exhibit 60.

18 (Whereupon, Plaintiff's  
19 Exhibit 60, Robinson 0006741  
20 through 52, was marked for  
21 identification, as of this  
22 date.)

23 A. What is the number?

24 Q. 60.

25 A. The Bates?

1 T. HARVEY

2 Q. I'm sorry?

3 MR. DROGIN: 741 to 6752.

4 THE WITNESS: Got it.

5 MR. DROGIN: Thank God it

6 is not more flower receipts.

7 21-page exhibit with a cover

8 page, "Petty Cash charges

9 4/17 to 1/19."

10 Q. Mr. Harvey, do you

11 recognize this document?

12 A. Yes, I do.

13 Q. Okay.

14 What is this document?

15 A. The document contains petty

16 cash from April 17th to January

17 19th, with respect to Chase Robinson

18 at Canal Productions.

19 Q. Who prepared this document?

20 A. Well, when you say,

21 "prepared," we had to go back and

22 look at receipts, et cetera, but it

23 was either Jillian, or Sabrina, I

24 believe, or Michael Kaplan, who

25 actually imputed the information.



1 T. HARVEY

2 Q. What information was  
3 imputed in this document?

4 A. Which information --

5 MR. DROGIN: Objection to  
6 the form. You can answer.

7 A. When the document was  
8 created. I'm not sure what you are  
9 asking.

10 Q. Who created this document?

11 A. What is that?

12 Q. You are saying that certain  
13 things were imputed. What are you  
14 referring to?

15 A. The document.

16 Q. This petty cash spreadsheet  
17 was prepared by Chase Robinson,  
18 correct?

19 A. I don't know.

20 Q. Turning your attention to  
21 the last page of this exhibit, which  
22 is Robinson 6752?

23 A. Uh-huh.

24 Q. Do you see where it says,  
25 "Attaching her petty cash sheet

1 T. HARVEY

2 here?"

3 A. What page?

4 Q. The last page of the  
5 exhibit, which is 6752?

6 MR. DROGIN: Actually,  
7 the exhibit goes beyond that.  
8 The exhibit seems to go to  
9 6761.

10 MS. HARWIN: Oh. Okay.  
11 That -- that is a mistake.  
12 This exhibit should go to  
13 6752. Apologies that you are  
14 getting an extra document in  
15 there.

16 Q. If you turn to 6752, do you  
17 see that message on that page, Mr.  
18 Harvey?

19 A. I am looking.

20 Q. Okay. Do you see that  
21 message?

22 A. I am reading it.

23 Q. Okay.

24 A. Okay.

25 Q. Who wrote this message?

1 T. HARVEY

2 A. I don't know. You took out  
3 the header so I couldn't tell who  
4 sent it.

5 Q. This is a document that was  
6 submitted by Canal to the District  
7 Attorney's Office, correct?

8 A. Okay. I don't know.  
9 Someone left off the header. It was  
10 either Jillian or Sabrina, I assume.

11 Q. You see where it says, "All  
12 of the dog sitting charges I don't  
13 know if Bob approved?"

14 A. Yes.

15 Q. What was done to evaluate  
16 whether the dog sitting charges were  
17 an approved charge?

18 MR. DROGIN: Objection.

19 That is privileged. That  
20 goes into communications with  
21 witnesses. That is not  
22 factual.

23 Q. Was any additional  
24 information contained after this  
25 message was sent concerning the dog

1 T. HARVEY

2 sitting charges?

3 A. What dog sitting charges  
4 are you referring to?

5 Q. The ones that are part of  
6 Canal's claims against Ms. Robinson?

7 A. Okay. I didn't know if you  
8 meant Robin Chambers. What is the  
9 question?

10 Q. Was any additional  
11 information obtained concerning the  
12 dog sitting charges after this  
13 message was prepared?

14 MR. DROGIN: Objection to  
15 the form. When was this  
16 prepared?

17 A. That is my problem. I'm  
18 not sure is the short answer.

19 Q. Turning to Canal's  
20 allegations about SkyMiles. Can you  
21 clarify what is the time period over  
22 which Canal contends that Ms.  
23 Robinson improperly used or  
24 transferred SkyMiles?

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form.

3 A. Are you referring to the  
4 Complaint or are you limiting it to  
5 that, or are you opening it to any  
6 time she was at Canal?

7 Q. Well, I am asking about the  
8 -- the period that Canal contends  
9 Ms. Robinson improperly used or  
10 transferred SkyMiles?

11 A. She used them outside the  
12 scope also of the Complaint. That  
13 is why I am asking you.

14 Q. Well, the -- I would like  
15 to ask about the period in which  
16 Canal's claims are predicated.

17 So for Canal's claims, what  
18 is the period that they concern?

19 A. I believe it is 2017,  
20 thereabouts, until she quit.

21 Q. Ms. Robinson was authorized  
22 to used SkyMiles general by Canal's  
23 American Express card for work  
24 trips, correct?

25 A. At certain times, sure.

1 T. HARVEY

2 Q. Does Canal dispute that Mr.  
3 De Niro allowed Ms. Robinson to use  
4 SkyMiles generated by Canal's  
5 American Express card for personal  
6 trips as well?

7 MR. DROGIN: Objection to  
8 the form.

9 A. If she took them without  
10 asking his permission, absolutely.

11 Q. Are there any trips that  
12 Canal contends that Ms. Robinson  
13 took without Mr. De Niro's  
14 permission?

15 MR. DROGIN: Objection to  
16 the form.

17 A. Well, did Mr. De Niro ever  
18 object to Chase Robinson taking a  
19 trip, is that your question?

20 Q. You can answer that  
21 question.

22 A. I don't know if he ever  
23 objected to her taking a trip.

24 Q. How did Canal calculate  
25 that Ms. Robinson had used

1 T. HARVEY

2 approximately three million miles  
3 for personal trips and vacation?

4 A. Well, I think you just go  
5 back and you look at the air miles,  
6 and take them, and see that the  
7 number of miles used, and then take  
8 the work trips, and you got a  
9 number.

10 Q. Which specific transfers of  
11 SkyMiles does Canal contend were not  
12 used for work trips?

13 A. I don't know. I would have  
14 to go back and redo the calculation.  
15 You are essentially asking me what  
16 work trips she could use the air  
17 miles for, I believe, right?

18 MS. HARWIN: Madam Court  
19 Reporter, can you read back  
20 the question?

21 (Whereupon, the requested  
22 portion was read back by the  
23 reporter:

24 Q: Which specific  
25 transfers of SkyMiles does

1 T. HARVEY

2 Canal contend were not used  
3 for work trips?)

4 A. Again, I think your  
5 question is -- read the question  
6 again.

7 (Whereupon, the requested  
8 portion was read back by the  
9 reporter:

10 Q: Which specific  
11 transfers of SkyMiles does  
12 Canal contend were not used  
13 for work trips?)

14 A. The three million that we  
15 allege in the Complaint or how many  
16 million miles we allege in the  
17 Complaint.

18 Q. What did Canal do to  
19 ascertain or differentiate between  
20 trips that were approved by Mr. De  
21 Niro and trips that weren't?

22 A. If there was a work trip,  
23 we would know that it was a work  
24 trip by looking at the timing of it,  
25 and by looking at the e-mails, et



1 T. HARVEY

2 cetera, to see if Ms. Robinson had a  
3 legitimate reason to travel versus a  
4 vacation trip or personal trip.

5 MS. HARWIN: Can you read  
6 back the answer?

7 (Whereupon, the requested  
8 portion was read back by the  
9 reporter:

10 A: If there was a work  
11 trip, we would know that it  
12 was a work trip by looking at  
13 the timing of it, and by  
14 looking at the e-mails, et  
15 cetera, to see if Ms.  
16 Robinson had a legitimate  
17 reason to travel versus a  
18 vacation trip or personal  
19 trip.)

20 Q. I am going to share another  
21 exhibit, which is going to be marked  
22 as Exhibit 61. This one Bates  
23 stamped Robinson 00006728 through  
24 40.

25 (Whereupon, Plaintiff's

1 T. HARVEY

2 Exhibit 61, Robinson 00006728  
3 through 40, was marked for  
4 identification, as of this  
5 date.)

6 Q. Let us know when you have  
7 that document downloaded.

8 A. Okay.

9 Q. Is this a compilation of  
10 documents that Canal provided to the  
11 Manhattan District Attorney's Office  
12 concerning SkyMiles?

13 A. If this is the same  
14 document that was in the binder,  
15 yes.

16 Q. Is this the document that  
17 was provided to the Manhattan  
18 District Attorney's Office?

19 A. Again, we supplied them  
20 with a folder of documents. I don't  
21 know off the top of my head if this  
22 is the identical document that was  
23 in the folder that was supplied to  
24 the District Attorney's Office. It  
25 certainly looks like it, but I would

1 T. HARVEY

2 have to compare it.

3 Q. I would like to turn your  
4 attention to the second page of this  
5 document, which is Robinson  
6 00006729.

7 A. Yeah.

8 Q. Does this page reflect all  
9 of the SkyMiles that Canal claimed  
10 that Ms. Robinson improperly used in  
11 2017 and '18?

12 A. Well, for example -- I  
13 don't know if I can tell which  
14 actual miles were used. Like there  
15 is a transfer in January of '18, I  
16 don't know what was in the account.  
17 It is impossible for me to tell you  
18 what was used. But I see the actual  
19 trips, so those are the trips that  
20 -- I believe that she used miles and  
21 did not have permission to, if that  
22 answers your question.

23 Q. Canal's accusation is Ms.  
24 Robinson.

25 Let me ask first.

1 T. HARVEY

2 Canal's accusation is that  
3 Ms. Robinson improperly used 2.92  
4 million miles in 2017 and 2018, is  
5 that the correct number?

6 A. That is the correct number  
7 of air miles that Ms. Robinson stole  
8 from Robert De Niro and Canal  
9 Productions, yes.

10 Q. That number of 2.92 million  
11 included multiple flights that were  
12 purchased for former Canal employee,  
13 Amelia Brain, correct?

14 A. It includes Chase's theft  
15 of the air miles that she used to  
16 bring Amelia or fly Amelia  
17 somewhere, yes.

18 MS. HARWIN: Madam Court  
19 Reporter, can you read back  
20 that answer? I couldn't hear  
21 it.

22 (Whereupon, the requested  
23 portion was read back by the  
24 reporter:

25 A: It includes Chase's

1 T. HARVEY

2 theft of the air miles that  
3 she used to bring Amelia or  
4 fly Amelia somewhere, yes.)

5 Q. Amelia Brain was assisting  
6 Canal Productions into June of 2018  
7 and -- let me restate that.

8 Amelia Brain was assisting  
9 Canal Productions in June of 2018,  
10 correct?

11 A. Not correct.

12 Q. No?

13 A. No.

14 Q. Okay.

15 What was -- what was Amelia  
16 Brain doing in New York in June of  
17 2018?

18 A. I can't answer that. I can  
19 only tell that you Chase paid for  
20 her, apparently out of petty cash,  
21 and using Mr. De Niro's miles to  
22 bring her to New York. Why she  
23 thought she could do that is beyond  
24 me. But she stole a lot of things,  
25 so I don't know what to tell you.

1 T. HARVEY

2 Q. Canal's accusation that Ms.  
3 Robinson improperly used 2.9 million  
4 SkyMiles included a flight from  
5 London, on December 5, 2018, is that  
6 correct?

7 A. I can't hear you. What  
8 date?

9 Q. December 5, 2018?

10 MR. DROGIN: Objection to  
11 the form.

12 A. Okay.

13 And your question is what?

14 Q. Does Canal's accusation  
15 that Ms. Robinson improperly used  
16 2.9 SkyMiles include a flight from  
17 London on December 5, 2018?

18 MR. DROGIN: Objection to  
19 the form.

20 A. Yes.

21 Q. Ms. Robinson had been with  
22 Mr. De Niro in London for a shoot,  
23 correct?

24 A. No.

25 Q. Mr. De Niro hadn't been in

1 T. HARVEY

2 London with Ms. Robinson?

3 A. Mr. De Niro may have been  
4 in London, but when you say with Ms.  
5 Robinson, I don't know what that  
6 means.

7 Q. Ms. Robinson worked with  
8 Mr. De Niro in London before coming  
9 back on December 5th, 2018, correct?

10 A. I don't believe that is  
11 correct.

12 Q. Do you have any evidence  
13 either way as to whether that is  
14 correct or not correct?

15 A. Whether what is correct or  
16 not correct?

17 Q. That Ms. Robinson was in  
18 London with Mr. De Niro, prior to  
19 traveling back on December 5th of  
20 2018?

21 A. I can tell you that Mr. De  
22 Niro was in London and then traveled  
23 outside of London. I don't believe  
24 -- Ms. Robinson may have been in  
25 London, but I don't believe traveled

1 T. HARVEY

2 with Mr. De Niro.

3 Q. Ms. Robinson met with Mr.

4 De Niro in London, right?

5 A. She may have.

6 Q. I would like to turn to

7 2019 and the SkyMiles in that year.

8 Is it Canal's contention

9 that it was improper for Ms.

10 Robinson to transfer the SkyMiles in

11 the first place, or is it Canal's

12 contention that it was improper for

13 Ms. Robinson to retain the SkyMiles

14 after her employment ended?

15 MR. DROGIN: Objection to

16 the form. Or both? You got

17 an A or B. You should give

18 him a third option.

19 A. Both.

20 Q. How many SkyMiles were

21 transferred into Ms. Robinson's

22 account?

23 A. What is the question?

24 Q. Actually, let me -- let me

25 drop in an exhibit. Next one will



1 T. HARVEY

2 be Exhibit 62.

3 (Whereupon, Plaintiff's  
4 Exhibit 62, Robinson 00016439  
5 through 57, was marked for  
6 identification, as of this  
7 date.)

8 Q. Next one is going to be  
9 Robinson 00016439 through 57.

10 MR. BENNETT: It is a  
11 large document. Can you give  
12 me a moment?

13 Q. Mr. Harvey, do you have  
14 that document?

15 A. I do.

16 Q. Okay.

17 So turning to the first  
18 page of that document, do you see  
19 where it says in number four, "Once  
20 you have transferred membership  
21 awards points, it cannot be  
22 transferred back to your membership  
23 rewards account and become subject  
24 to the terms and conditions of the  
25 Delta SkyMiles program."

1 T. HARVEY

2 Do you see that?

3 A. No.

4 Q. Okay.

5 Well turning your attention  
6 to the first page, number four,  
7 okay?

8 A. I don't have a number four.

9 Q. Under the Terms &  
10 Conditions, there is a numbered list  
11 on the first page.

12 Do you see that?

13 A. No. It has --Terms &  
14 Conditions. I'm sorry. Go ahead.

15 Q. Look at number four?

16 A. Uh-huh.

17 Q. Do you see where it says,  
18 "Once you have transferred  
19 membership awards points, it cannot  
20 be transferred back to your  
21 membership rewards account and  
22 become subject to the terms and  
23 conditions of the Delta SkyMiles  
24 program?" Do you see that?

25 A. Yes.

1 T. HARVEY

2 Q. Canal doesn't dispute that  
3 once reward points were transferred  
4 into Ms. Robinson's account, they  
5 couldn't be transferred back to  
6 Canal, is that correct?

7 MR. DROGIN: Objection to  
8 the form.

9 A. That is not correct.

10 Q. Why is that not correct?

11 A. Because it is not a correct  
12 statement as far as I am concerned.

13 Q. Does Canal have any basis  
14 to dispute these terms and  
15 conditions that membership rewards  
16 points cannot be transferred back?

17 MR. DROGIN: Objection.

18 That is not what it says.

19 You have a document that  
20 looks like it was in printed  
21 in October of 2021. So I  
22 don't know that the terms and  
23 conditions are the same.

24 Second, it provides a  
25 hyperlink for rules and

1 T. HARVEY

2 conditions. So I think it is  
3 a trick question.

4 A. Is there a question  
5 pending?

6 MS. HARWIN: Madam Court  
7 Reporter, can you read back  
8 the question?

9 (Whereupon, the requested  
10 portion was read back by the  
11 reporter:

12 Q: Does Canal have any  
13 basis to dispute these terms  
14 and conditions that  
15 membership rewards points  
16 cannot be transferred back?)

17 Q. Can you clarify why Canal  
18 -- why you say that is not a correct  
19 statement?

20 A. Because if I called Delta  
21 up, or American, or whoever, and I  
22 said, "Listen, I have an employee  
23 who robbed me, who stole these  
24 miles, and I want them back," I  
25 believe they would return them to

1 T. HARVEY

2 me.

3 Q. Have you attempted to do  
4 that?

5 MR. DROGIN: Objection.

6 A. I don't have access to the  
7 miles. Ms. Robinson -- Ms. Robinson  
8 won't return or agree to return what  
9 she stole.

10 Q. Well, the terms and  
11 conditions say that they can't be  
12 transferred back, right?

13 MR. DROGIN: Objection to  
14 the form. Are the terms --  
15 the printout that follows  
16 what you are referring to --  
17 is the printout that begins  
18 on 16440, are you  
19 representing that that is the  
20 printout from the hyperlink?

21 MS. HARWIN: This is  
22 American Express Terms &  
23 Conditions.

24 MR. DROGIN: As of  
25 October 2021.

1 T. HARVEY

2 Q. So Mr. Harvey, you are  
3 speculating what American Express  
4 would do if you called them. Is  
5 that -- I mean, you haven't called  
6 them, correct?

7 A. What is your question that  
8 you want me to answer? That was  
9 compound. It was two questions.

10 Q. Why don't you answer both  
11 of them?

12 A. I believe you are  
13 speculating. I don't -- because you  
14 show me an agreement that somehow  
15 anyone who robs air miles is free  
16 and clear. I don't believe that is  
17 a same, or legitimate, or logical  
18 assertion.

19 Q. Do you have any  
20 documentation that would contradict  
21 the terms and conditions of the  
22 transfer of American Express awards  
23 points to Delta SkyMiles?

24 A. Yeah.

25 MR. DROGIN: Objection to

1 T. HARVEY

2 the form.

3 A. Just read the statement.

4 It says that they can't be

5 transferred back -- well, it can't

6 be transferred back to your, meaning

7 Ms. Robinson. It wouldn't be asking

8 and weren't asking for it to be

9 transferred it back to the thief.

10 We were asking for them to be

11 returned to the rightful owner.

12 Q. Do you have any evidence at

13 all that -- that SkyMiles can be

14 returned?

15 A. Yes.

16 Q. What is that?

17 A. You heard Ms. Chambers

18 testify, in fact, she did it.

19 Didn't you? I think you asked her

20 the question. I think she explained

21 it to you.

22 Q. That is a different

23 circumstances, isn't it?

24 A. Right. She didn't steal

25 them. That is the difference.

1 T. HARVEY

2 Q. There was no transfer  
3 there, correct?

4 A. I don't know what you are  
5 talking about. That is not my  
6 understanding.

7 Q. Did the Manhattan District  
8 Attorney's Office ever share with  
9 anyone affiliated with Canal any  
10 documents that Ms. Robinson had  
11 provided to prosecutors?

12 MR. DROGIN: Objection to  
13 the form.

14 A. No, we -- no. We have  
15 asked for them. Haven't received  
16 them from you.

17 Q. From who?

18 A. From Neighborhood  
19 Defenders.

20 Q. I don't think that is  
21 accurate, sir.

22 A. What isn't accurate about  
23 that?

24 Q. The documents have been  
25 produced, I understand multiple



1 T. HARVEY

2 times now to Canal.

3 A. From Neighborhood

4 Defenders?

5 Q. That is my understanding.

6 MS. HARWIN: So I am

7 hearing an echo. Is that

8 better? Still getting an

9 echo.

10 THE VIDEOGRAPHER: The

11 time is now 4:35 p.m. and we

12 are off the record.

13 (Whereupon, a recess was

14 taken at this time.)

15 THE VIDEOGRAPHER: The

16 time is now 4:36 p.m. We are

17 back on the record.

18 Q. How did Canal calculate

19 that the SkyMiles it claims were

20 converted by Ms. Robinson were

21 valued at more than \$125,000?

22 MR. DROGIN: Can I hear

23 that again?

24 (Whereupon, the requested

25 portion was read back by the

1 T. HARVEY

2 reporter:

3 Q: How did Canal  
4 calculate that the SkyMiles  
5 it claims were converted by  
6 Ms. Robinson were valued at  
7 more than \$125,000?)

8 MR. DROGIN: Objection.  
9 That -- again, that  
10 calculation was done by  
11 Counsel as part of the  
12 litigation. This is work  
13 product.

14 MS. HARWIN: I believe we  
15 are entitled to the basis for  
16 the calculation.

17 MR. DROGIN: I think you  
18 have it as part of our  
19 updated Rule 26 Disclosure.

20 MS. HARWIN: Okay.

21 Q. Mr. Harvey, how does Canal  
22 calculate the value of SkyMiles that  
23 it claims Ms. Robinson took?

24 MR. DROGIN: Was I on  
25 mute?

1 T. HARVEY

2 MS. HARWIN: Nope.

3 MR. DROGIN: Then I am  
4 still going to object on the  
5 ground of privilege. You  
6 have that in the automatic  
7 disclosure.

8 Q. Mr. Harvey, in Canal's  
9 statement of damages and  
10 computation, it states that  
11 documentary evidence in this case  
12 revealed 8,750 frequent flyer miles  
13 equated to 165.00.

14 What specific documents  
15 identify the value of 8,750 frequent  
16 flyer miles as equating to \$165.00?

17 A. I don't know I would have  
18 to look at the documents to identify  
19 them.

20 Q. Are you aware of any  
21 documents that set forth the value  
22 of frequent flyer miles?

23 A. I am aware.

24 Q. What -- what are those  
25 documents?

1 T. HARVEY

2 A. They are going to be third  
3 parties, what they are willing to  
4 pay. Those sorts of things for air  
5 miles.

6 Q. Sitting here today, are you  
7 aware of any specific such documents  
8 compiled by Canal in this case?

9 MR. DROGIN: Objection to  
10 the form. Again, the  
11 compiled by Canal.

12 A. Yeah.

13 MR. DROGIN: Objection to  
14 the form.

15 A. I don't know what -- when  
16 you say, "compiled," do you mean  
17 generated? I don't know what you  
18 mean compiled.

19 Q. Does Canal have any  
20 documents identifying the value of  
21 frequent flyer miles?

22 A. I am sure our Counsel does  
23 and to -- to not be cute about it,  
24 and during the time when we found  
25 out Ms. Robinson stole the air

1 T. HARVEY

2 miles, we looked it up from a  
3 third-party vendor and figured out  
4 what they were going for.

5 Q. Who was the third-party  
6 vendor?

7 A. I don't recall.

8 Q. Do you have any record of  
9 that information that you obtained?

10 A. No.

11 Q. I am going to put into the  
12 chat Exhibit 63, which is comprised  
13 of Robinson 00016549 through 59 --  
14 I'm sorry. Through 75.

15 (Whereupon, Plaintiff's  
16 Exhibit 63, Robinson 00016549  
17 through 75, was marked for  
18 identification, as of this  
19 date.)

20 Q. Let me know when you have  
21 had a chance to open that?

22 A. Is it Nerd Wallet?

23 Q. Yes.

24 A. Okay.

25 MR. DROGIN: 27-page

1 T. HARVEY

2 exhibit, which looks like it  
3 is an advertisement, dated  
4 February 10, 2022.

5 A. I am looking at it. What  
6 can I do for you?

7 Q. As you can see, this  
8 article identifies the value of  
9 Delta SkyMiles at being worth about  
10 \$1.37 each when redeemed for award  
11 flights.

12 Does Canal have any basis  
13 to dispute that the value of a  
14 SkyMiles is approximately \$1.37  
15 each?

16 MR. DROGIN: Objection.  
17 That is an advertisement.

18 MS. HARWIN: That is not  
19 accurate. That is not  
20 accurate.

21 MR. DROGIN: It says,  
22 "Advertisement Disclosure"  
23 right on it. And this talks  
24 about how somebody has  
25 calculated something on

1 T. HARVEY

2 February 10, 2022.

3 Presumably they fluctuate  
4 like a stock, for all I know  
5 they were worth \$13.00 each  
6 when she stole them. This is  
7 ridiculous. Not withstanding  
8 the fact that it is from  
9 something called Nerd Wallet,  
10 which speaks for itself.  
11 This is an advertisement.

12 MS. HARWIN: That is not  
13 accurate. The advertisement  
14 disclosure is a hyperlink,  
15 but that -- that is not an  
16 indication that this document  
17 is an advertisement. In any  
18 event --

19 MR. DROGIN: You can tell  
20 our expert witness that you  
21 are relying on Nerd Wallet.

22 A. Go ahead. Ask away.

23 MR. DROGIN: Yeah. Go  
24 ahead.

25 Q. Does Canal have any basis

1 T. HARVEY

2 to dispute that the value of a  
3 SkyMile is approximately 4.3 cents  
4 each?

5 MR. DROGIN: Objection.

6 A. Yes.

7 Q. What does Canal contend the  
8 value of a SkyMile is?

9 MR. DROGIN: Objection to  
10 the form.

11 A. I would have to look at the  
12 Complaint.

13 Q. The Complaint doesn't set  
14 forth a specific value per SkyMile.

15 So what is Canal's  
16 contention about what the value of a  
17 SkyMile is?

18 MR. DROGIN: Objection to  
19 the form.

20 A. I thought we had disclosed  
21 it, but we basically took the value  
22 of those SkyMiles, in 2019,  
23 pre-pandemic. If you notice the air  
24 travel has been quite inhibited  
25 because of the pandemic, and the



1 T. HARVEY

2 valuation that we got at the time  
3 was pre-pandemic. At the time she  
4 stole them.

5 Q. Do you have any  
6 documentation supporting the value  
7 of the SkyMiles that Canal claims in  
8 its lawsuit?

9 A. The value that we got off  
10 of a similar website to this, in  
11 2019.

12 Q. Okay. So the -- Canal  
13 based its calculations of the value  
14 of SkyMiles on a website like this,  
15 this evaluates the value of  
16 SkyMiles?

17 MR. DROGIN: Objection to  
18 the form.

19 A. I think -- I think it was  
20 much more -- how should I say?  
21 Realistic because it was actually a  
22 site where you could trade air  
23 miles, and sell air miles, and  
24 purchase air miles, et cetera.

25 Q. Do you know the name of the

1 T. HARVEY

2 website that you are referring to?

3 A. Not off the top of my head,  
4 no.

5 Q. I am going to put into the  
6 chat Canal's Statement of Damages &  
7 Computations, which will be Exhibit  
8 64.

9 (Whereupon, Plaintiff's  
10 Exhibit 64, Canal's Statement  
11 of Damages & Computations,  
12 was marked for  
13 identification, as of this  
14 date.)

15 A. Okay.

16 Q. Do you recognize this  
17 document?

18 A. I do.

19 Q. So turning your attention  
20 to the item that is identified as  
21 improper use of Canal's American  
22 Express card.

23 A. Yes.

24 Q. As you see in the damages  
25 calculation, it identifies the

1 T. HARVEY

2 approximate/minimum damages amount  
3 as in excess of 60.000.

4 Do you see that?

5 A. I do.

6 Q. In Canal's lawsuit against  
7 Ms. Robinson, and the Counterclaims  
8 that it asserts, it claims that Ms.  
9 Robinson improperly charged hundreds  
10 of thousands of dollars to Canal's  
11 American Express card.

12 Can you explain the  
13 disparity between the calculation  
14 that appears here in Canal's  
15 Statement of Damages and the amount  
16 asserted in Canal's lawsuit and  
17 Counterclaims against Ms. Robinson?

18 MR. DROGIN: Objection to  
19 the form. What disparity?

20 MS. HARWIN: The  
21 numerical disparity.

22 A. I don't know that there is  
23 a -- I don't know that there is a  
24 numerical disparity. In excess of  
25 60,000, and the claims are for

1 T. HARVEY

2 hundreds of thousands.

3 Q. Does Canal claim that Ms.

4 Robinson charged hundreds of

5 thousands of dollars improperly or

6 close to 60,000?

7 MR. DROGIN: Objection to

8 the form.

9 A. It doesn't say close to

10 60,000. I don't know where you are

11 getting that from.

12 Q. I am trying to ascertain

13 what Canal claimed were the improper

14 charges?

15 MR DROGIN: If you want

16 to stipulate to liability, we

17 will work with you on

18 damages.

19 MS. HARWIN: Counsel.

20 Q. Mr. Harvey, can you explain

21 what the -- what the specific amount

22 is that Canal claims were improperly

23 charged on the American Express

24 card?

25 A. Yes.

1 T. HARVEY

2 Q. What is that amount?

3 A. In excess of \$60,000.

4 Q. The Complaint and  
5 Counterclaims filed by Canal  
6 identify total charges on the  
7 American Express card of \$61,495.35.

8 Is that the amount that  
9 Canal contends Ms. Robinson  
10 improperly charged on Canal's  
11 American Express card?

12 MR. DROGIN: Objection to  
13 the form.

14 A. I would have to look at the  
15 Complaint.

16 Q. Okay. Well, you can look  
17 at the Complaint.

18 While you are looking at  
19 the Complaint, I would like to take  
20 a bathroom break. So how long do  
21 you need, Mr. Harvey, to answer the  
22 question?

23 A. I am pulling up the  
24 Complaint and looking at it.

25 Q. How long would you like?

1 T. HARVEY

2 We can take a break while you are  
3 looking at? About how long would  
4 you need, sir?

5 A. I am ready. What do you  
6 want to know?

7 MS. HARWIN: Madam Court  
8 Reporter, can you read back  
9 my question?

10 (Whereupon, the requested  
11 portion was read back by the  
12 reporter:

13 Q: The Complaint and  
14 Counterclaims filed by Canal  
15 identify total charges on the  
16 American Express card of  
17 \$61,495.35.

18 Is that the amount that  
19 Canal contends Ms. Robinson  
20 improperly charged on Canal's  
21 American Express card?)

22 MR. DROGIN: Objection to  
23 the form.

24 A. Yeah, I don't see it in the  
25 Complaint. You are insinuating that

1 T. HARVEY

2 that number was in the Complaint, is  
3 that correct?

4 Q. When you add up the charges  
5 identified in the Complaint, they  
6 total \$61,495.35. Is that the  
7 amount that Canal contends was  
8 improperly charged by Ms. Robinson  
9 on the Canal American Express card?

10 MR. DROGIN: Objection to  
11 the form.

12 A. I didn't add them up. I  
13 would have to add them up.

14 Q. Well, we can give you time  
15 to add that up. Again, I can take a  
16 bathroom break.

17 A. I don't need to. I can  
18 tell you it is in excess of \$60,000.

19 Q. It doesn't add up to over  
20 \$100,000, correct?

21 A. I don't know. I didn't add  
22 it up.

23 Q. We can give you the  
24 opportunity to add it up.

25 A. I am not going to add it

1 T. HARVEY

2 up. It is what it is.

3 MR. DROGIN: This is  
4 unnecessary.

5 MS. HARWIN: I am just  
6 trying to identify what it is  
7 that is the scope of the  
8 improper charges that Canal  
9 claims occurred on the credit  
10 card. I would like to  
11 confirm what that amount is.  
12 And if Mr. Harvey needs time  
13 to calculate it, we are happy  
14 to provide that.

15 MR. DROGIN: I don't  
16 think there is a mathematical  
17 certainty to it. These are  
18 numbers that are in flux.  
19 Value of SkyMiles may change.

20 MS. HARWIN: We are  
21 specifically talking about  
22 the item that is identified  
23 by Canal as improper use of  
24 Canal's American Express  
25 card.



1 T. HARVEY

2 And Canal's damages  
3 statement identifies that  
4 number as being in excess of  
5 60,000. And if you add up  
6 the charges that are  
7 identified in the Complaint,  
8 they add up to \$61,495.35. I  
9 would like to confirm, is the  
10 value of improper use of  
11 Canal's American Express card  
12 \$61,495.35?

13 MR. DROGIN: At least  
14 that amount, plus interest,  
15 yes.

16 MS. HARWIN: Yes. When  
17 you say, "at least that  
18 amount plus interest," is  
19 there any other amount that  
20 Canal contends was improperly  
21 charged to its credit card?

22 MR. DROGIN: There --  
23 there maybe. It is an  
24 ongoing litigation.

25 MS. HARWIN: I am asking

1 T. HARVEY

2 Mr. Harvey as Canal's  
3 witness.

4 Q. Is there any additional  
5 amount?

6 A. That I am aware of, right  
7 this moment, no. But it could be  
8 tomorrow, for example.

9 Q. So the total charges that  
10 were specified -- well, let me --  
11 let me restate that.

12 The total amount of damages  
13 that are claimed in Canal's damages  
14 statement and computations are in  
15 excess of \$550,000, correct?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I would have to look to the  
19 form.

20 Q. You can look.

21 MR. DROGIN: Are you just  
22 adding up the automatic  
23 disclosures?

24 MR. MERINGOLO: Just ask  
25 for judicial notice for the

1 T. HARVEY

2 period of time. I just don't  
3 understand. I'm sorry to get  
4 frustrated, but this is  
5 madness.

6 A. What am I looking at?

7 Q. So under the -- under  
8 Canal's statement of damages and  
9 computations, when you add up the  
10 amounts listed, it totals  
11 approximately or in excess of  
12 \$550,000, is that correct?

13 MR. DROGIN: Yes. We  
14 will stipulate when you add  
15 -- when you add that up, that  
16 is what it says. And we will  
17 stipulate that it says,  
18 "Defendant's claim  
19 noneconomic damages and any  
20 other damages be revealed  
21 throughout ongoing discovery  
22 and outstanding deposition  
23 testimony to be determined by  
24 the factfinder." Yes.

25 MS. HARWIN: Okay.

1 T. HARVEY

2 Q. So --

3 MR. DROGIN: And it also  
4 says on next page that we  
5 (inaudible) all documents  
6 relied upon to reach the  
7 foregoing approximate  
8 damages... That is the way  
9 it works.

10 Q. Mr. Harvey, have any facts  
11 and circumstances come to light that  
12 have caused Canal to reduce its  
13 damages calculations since it filed  
14 its initial lawsuit?

15 MR. DROGIN: Objection to  
16 the form.

17 A. Not that I am aware of.

18 Q. The damages claimed here  
19 are the same damages that were known  
20 to be claimed by Canal at the time  
21 it filed its lawsuit, is that  
22 correct?

23 MR. DROGIN: Objection to  
24 the form.

25 A. I would have to look at the

1 T. HARVEY

2 Counterclaims and the New York State  
3 Claim, but not that I am aware of.

4 MS. HARWIN: Madam Court  
5 Reporter, can you just read  
6 back the question and answer?

7 (Whereupon, the requested  
8 portion was read back by the  
9 reporter:

10 Q: The damages claimed  
11 here are the same damages  
12 that were known to be claimed  
13 by Canal at the time it filed  
14 its lawsuit, is that correct?

15 A: I would have to look  
16 at the Counterclaims and the  
17 New York State Claim, but not  
18 that I am aware of.)

19 MR. DROGIN: I have been  
20 letting you go on with this,  
21 giving you certainly enough  
22 rope. Can you just point me  
23 to the 30(b)(6) section that  
24 this has to do with? Because  
25 I don't see it.

1 T. HARVEY

2 MS. HARWIN: What we are  
3 asking about is the basis for  
4 the State Court lawsuit.

5 MR. DROGIN: You are not  
6 asking for basis. You are  
7 asking for damages  
8 calculations.

9 MS. HARWIN: Damages are  
10 part of the basis for the  
11 lawsuit. Damages were  
12 claimed in the lawsuit.

13 MR. DROGIN: I don't -- I  
14 don't agree. I think if you  
15 wanted to explore how Canal  
16 calculated damages, then that  
17 is something that you could  
18 have put in terms -- in your  
19 notice as topics of  
20 testimony. I have been  
21 trying to let you go on, and  
22 on, and on with this because  
23 quite honestly it is wasting  
24 time. It is your seven  
25 hours, you can do what you

1 T. HARVEY  
2 want. I think you are just  
3 badgering the witness, and at  
4 this point I am going to ask  
5 you, and I am going to hold  
6 you to the topics of  
7 testimony in the 30(b)(6)  
8 Notice. If you want to have  
9 a meet and confer about how  
10 we concluded damages, and why  
11 the attorneys may have  
12 adjusted the amount sought in  
13 the damages clause, we can do  
14 that. I just don't know that  
15 it is appropriate in a  
16 30(b)(6) deposition to  
17 question this witness about  
18 it, when it has not been  
19 designated.

20 Q. Mr. Harvey, in Canal's  
21 State Court lawsuit, what was the  
22 amount of damages that were sought?

23 MR. DROGIN: Did -- was I  
24 on mute? Did you not hear  
25 what I just said? Are you

1 T. HARVEY  
2 going right back now to the  
3 same line of questioning that  
4 I have objected to?

5 MS. HARWIN: Well, the  
6 State Court lawsuit and the  
7 basis for it was -- is very  
8 twittering within the  
9 30(b)(6) topic.

10 MR. DROGIN: But you are  
11 not asking about the basis.  
12 You are asking about  
13 calculation and adjustment of  
14 damages, which is something  
15 done by Counsel. As was the  
16 preparation of the Complaint.

17 Again, I have been  
18 letting him answer this. I  
19 have been letting him answer  
20 this to the best that he can,  
21 but we are beyond -- we are  
22 way beyond the scope here,  
23 and probably the last 40  
24 pages of the transcript will  
25 demonstrate that. I would



1 T. HARVEY

2 like you to move onto  
3 something in the 30(b)(6)  
4 because it seems like you  
5 have a lot more ground to  
6 cover here.

7 Q. Mr. Harvey, what were the  
8 facts and circumstances that Canal  
9 contends served as the basis for  
10 seeking millions of dollars in the  
11 State Court lawsuit from Ms.  
12 Robinson?

13 MR. DROGIN: Objection to  
14 the form.

15 A. It is on or before 2013,  
16 Ms. Robinson consistently and almost  
17 daily robbed Canal Productions,  
18 Inc., and Robert De Niro.

19 Specifically, she did it  
20 through a systematic looting with  
21 respect to petty cash, theft of air  
22 miles, ordering unauthorized  
23 charges, such as flowers,  
24 reimbursing herself for various  
25 items she wasn't entitled to, taking

1 T. HARVEY

2 unauthorized Ubers, cabs, et cetera,  
3 reimbursing herself for dog charges  
4 or dog sitting charges, buying  
5 numerous Apple cell phones, taking  
6 petty cash, turning it into gift  
7 cards, and then converting that to  
8 her own use, taking cash through  
9 drawers that were not permitted,  
10 paying for people like Amelia Brain  
11 to come to New York that wasn't  
12 authorized, sending presents to  
13 people on Mr. De Niro and/or Canal  
14 Productions' account coming from Ms.  
15 Robinson that weren't authorized.

16 Q. Let me clarify my question  
17 because I think that --

18 A. I am not done with my  
19 answer. You asked me a question. I  
20 am answering the question.

21 Q. I would like to clarify the  
22 question because I don't think you  
23 are answering what --

24 A. I am not done with my  
25 answer though.

1 T. HARVEY

2 Q. You may finish, but then I  
3 am going to go back and ask the  
4 question that I am going to need an  
5 answer to.

6 A. I will make you a deal. I  
7 will let you go on if you take that  
8 pen out of your hand.

9 Q. It is a deal.  
10 So my question is  
11 quantitative in nature. What is the  
12 basis for seeking what Canal -- let  
13 me restate that.

14 What is the quantitative  
15 basis for Canal's demands for  
16 millions of dollars from Ms.  
17 Robinson?

18 MR. DROGIN: Objection to  
19 the form.

20 Can you point me, please,  
21 to the section of the  
22 30(b)(6) Notice that places  
23 Canal and Mr. De Niro on  
24 notice that this is a line of  
25 questioning that you are

1 T. HARVEY

2 permitted to pursue?

3 MS. HARWIN: If you look  
4 at the Rule 30(b)(6)  
5 designation, there is a topic  
6 concerning the facts and  
7 circumstances giving rise to  
8 the State Court lawsuit.  
9 That is what --

10 (Simultaneous speaking)

11 MR. DROGIN: That is  
12 right. And -- when you are  
13 now talking about something  
14 that is quantitative, that is  
15 not factual. That is  
16 numerical really.

17 MS. HARWIN: Numbers are  
18 facts.

19 A. I think I can answer your  
20 question.

21 Q. Okay. Thank you.

22 A. You are looking for sort of  
23 back in the envelope. You have to  
24 calculate since 2013, seven days a  
25 week, three meals a day, that is

1 T. HARVEY  
2 roughly \$80.00, maybe 100.00/120.00  
3 per day. You would have to take  
4 that, and multiply it, and you come  
5 up with a couple of hundred thousand  
6 dollars. Then you take the obvious  
7 ones with the flowers and all of  
8 that nonsense, you take the air  
9 miles. You take the money Ms.  
10 Robinson received throughout her  
11 employment and that comes out to  
12 several hundred thousand dollars.  
13 You -- you take the other stuff,  
14 like paying Ms. Brain cash, and it  
15 adds up. I would have to take pen  
16 to paper to figure it out. But it  
17 is several million dollars in my  
18 mind.

19 Q. Did Mr. De Niro ever  
20 communicate with the media about  
21 Canal's lawsuit against Ms.  
22 Robinson?

23 A. No, not to my knowledge.

24 Q. Did Canal or anyone acting  
25 on behalf of Canal communicate with

1 T. HARVEY

2 anyone in the media about Canal's  
3 State Court lawsuit against Ms.  
4 Robinson?

5 A. Not to my knowledge.

6 Q. Did Stan Rosenfield  
7 communicate with the media with  
8 respect to Canal' lawsuit against  
9 Ms. Robinson?

10 A. Not to my knowledge, no.

11 Q. Did anyone who serves as a  
12 lawyer for Canal reach out to the  
13 media with respect to Canal's  
14 lawsuit against Ms. Robinson?

15 A. Are you talking about the  
16 State Court action?

17 Q. Yes.

18 A. No. Not my knowledge.

19 Q. Did you reach out to the  
20 daily news or any other media outlet  
21 concerning Canal's lawsuit against  
22 Ms. Robinson?

23 A. You are talking about the  
24 state lawsuit, right?

25 Q. Yes.

1 T. HARVEY

2 A. No, not that I recall.

3 Q. Did any Canal employees  
4 reach out the media with respect to  
5 Canal's lawsuit against Ms.  
6 Robinson?

7 A. I wouldn't know, but I  
8 doubt it.

9 Q. Did Mr. De Niro communicate  
10 with anyone in the media about Ms.  
11 Robinson's lawsuit against him?

12 A. Did he? No.

13 Q. Did Canal or anyone acting  
14 on behalf of Canal communicate with  
15 anyone in the media about Ms.  
16 Robinson's lawsuit against Mr. De  
17 Niro?

18 A. Yes.

19 Q. Who communicated with the  
20 media about Ms. Robinson's State  
21 Court lawsuit against Mr. De Niro?

22 A. Well, certainly I did, and  
23 I assume that Stan released a  
24 statement.

25 Q. Who did you communicate

1 T. HARVEY

2 with in the media about Ms.

3 Robinson's lawsuit?

4 A. Julia Jacobs.

5 Q. Did you communicate with

6 anyone else in the media other than

7 Julia Jacobs about Ms. Robinson's

8 lawsuit?

9 A. Not that I recall. Other

10 than the statement that Stan

11 released.

12 Q. What statement did Stan

13 Rosenfield release to the media

14 concerning Ms. Robinson's lawsuit

15 against Mr. De Niro?

16 A. Beyond absurd.

17 Q. What -- what are you saying

18 there, sir?

19 A. I am saying, like I said at

20 the time, this lawsuit by Chase

21 Robinson is beyond absurd.

22 Q. Other than the statement

23 released to the media on your

24 behalf, that -- you call Ms.

25 Robinson's lawsuit absurd, and the



1 T. HARVEY  
2 communication you had with Julia  
3 Jacobs, were there any other  
4 communications by Canal or anyone  
5 acting on behalf of Canal, including  
6 Stan Rosenfield concerning Ms.  
7 Robinson?

8 MR. DROGIN: Objection to  
9 the form. You can answer.

10 A. Yeah, you misstated what I  
11 said. I said beyond absurd. Not  
12 absurd. More than absurd. But I am  
13 not aware of anyone having  
14 communications regarding this  
15 lawsuit other than the statement  
16 beyond absurd. And my  
17 communications with The New York  
18 Times, where you leak a lawsuit  
19 before you actually had filed it on  
20 paper. Those were the two  
21 communications.

22 Q. Did Mr. De Niro communicate  
23 with the chairman of New York Times  
24 about the lawsuit?

25 A. I don't -- one, I don't

1 T. HARVEY

2 know for sure. But if he  
3 communicated it would have been at  
4 -- as a result of me talking about  
5 the unethical behavior by your law  
6 firm to leak a Complaint without  
7 filing it, and without calling us  
8 for comments. So that is possible.

9 Q. Mr. De Niro did communicate  
10 with the chairman of The New York  
11 Times?

12 A. I didn't say that. I said  
13 it is possible. That is what I  
14 said.

15 Q. Is it possible that Mr. De  
16 Niro communicated with any other  
17 media outlets?

18 MR. DROGIN: Objection to  
19 the form.

20 A. Not that I am aware of now.

21 MR. DROGIN: The question  
22 is whether it is possible.

23 Anything is possible.

24 Q. Did you communicate with  
25 any Canal employees or former Canal

1 T. HARVEY

2 employees to come up with material  
3 to embarrass Ms. Robinson to the  
4 media?

5 MR. DROGIN: Objection to  
6 the form.

7 A. No. She was quite able at  
8 doing that herself.

9 Q. When was the decision made  
10 by Mr. De Niro to contact the  
11 Manhattan District Attorney's Office  
12 about Canal's claims against Ms.  
13 Robinson?

14 A. What date did he wake up  
15 and say, "I want to talk to the New  
16 York County District Attorney's  
17 Office?" I don't know. I would  
18 have to look at the records.

19 He wanted to press charges  
20 against Ms. Robinson probably in May  
21 or June.

22 Q. Do you know that or are you  
23 --

24 A. Yes.

25 Q. -- guessing?

1 T. HARVEY

2 A. I'm not guessing other than  
3 telling you early on Mr. De Niro  
4 wanted to have Ms. Robinson return  
5 the items she stole. So I am  
6 looking at it -- certainly by June  
7 he was very upset and very angry  
8 that she had stolen all of those  
9 items from him.

10 Q. When was the Manhattan  
11 District Attorney's Office first  
12 contacted about Canal's claims  
13 against Ms. Robinson?

14 A. I don't know exactly. It  
15 would have been in the summer of  
16 2019.

17 Q. Do you have any records of  
18 when the first contact was made with  
19 the Manhattan District Attorney  
20 office?

21 A. No.

22 Q. Was Manhattan District  
23 Attorney's Office contacted in  
24 writing or orally?

25 A. Orally.

1 T. HARVEY

2 Q. And who was first contacted  
3 at the Manhattan District Attorney's  
4 Office?

5 A. Kelly Thomas and someone  
6 else. I forget. I forget.

7 Q. Who was it who initiated  
8 contact with Manhattan District  
9 Attorney's Office?

10 A. I was there on another  
11 matter and speaking to two assistant  
12 district attorneys. That was the  
13 initial discussions regarding this  
14 case.

15 Q. So you were the person who  
16 first spoke to the Manhattan  
17 District Attorney's Office about the  
18 claims against Ms. Robinson?

19 A. I believe so.

20 Q. And when was it that you  
21 spoke to the Manhattan District  
22 Attorney's Office first about Ms.  
23 Robinson?

24 A. Either July or August of  
25 '19.

1 T. HARVEY

2 Q. Do you have any way of  
3 identifying when it was that you  
4 first spoke to the Manhattan  
5 District Attorney's Office about Ms.  
6 Robinson?

7 A. I thought I just did. I  
8 told you it was either July of  
9 August of '19.

10 Q. Do you have any way to  
11 distinguish between those months?

12 A. No.

13 Q. Did you speak to Manhattan  
14 District Attorney's Office before  
15 Canal filed the lawsuit or after?

16 A. I'm not sure.

17 Q. What were dates when Mr. De  
18 Niro and any other people affiliated  
19 with Canal communicated with the  
20 Manhattan District Attorney's  
21 Office?

22 A. I have no idea.

23 Q. Are there any dates when  
24 you are aware of the Manhattan  
25 District Attorney's Office having

1 T. HARVEY

2 communications with Mr. De Niro?

3 A. Yes.

4 Q. Okay.

5 What dates are you aware of

6 Mr. De Niro communicating with the

7 Manhattan District Attorney's

8 Office?

9 A. I don't know. I don't have

10 the documents in front of me that

11 would tell me that.

12 Q. What documents would you

13 need to review in order to ascertain

14 that?

15 A. Communications between me

16 and Kelly Thomas regarding the day

17 of the interview for Mr. De Niro.

18 MS. HARWIN: Can you

19 repeat the answer?

20 (Whereupon, the requested

21 portion was read back by the

22 reporter:

23 A: Communications

24 between me and Kelly Thomas

25 regarding the day of the

1 T. HARVEY

2 interview for Mr. De Niro.)

3 Q. Were -- did you have a  
4 meeting with Ms. Thomas on September  
5 16, 2019?

6 A. I have no idea.

7 Q. There was a text message  
8 from Ms. Thomas referring to  
9 arriving at noon on September 16,  
10 2019.

11 Does that refresh your  
12 recollection?

13 A. It doesn't, but I assume  
14 that is the day. If she is coming  
15 in that day, I have no reason to  
16 dispute that text or e-mail.

17 Q. And did you meet with Ms.  
18 Thomas in person at Canal's office?

19 A. Yes.

20 Q. Okay.

21 Who else was present for  
22 that meeting with Ms. Thomas?

23 A. Mr. De Niro, and two or  
24 three other people, I believe, from  
25 the District Attorney's Office.



1 T. HARVEY

2 Whether they were assigned  
3 detectives to the investigative unit  
4 with the District Attorney or cops  
5 assigned to local precinct, I don't  
6 know.

7 Q. Other than you and Mr. De  
8 Niro, did anyone else from Canal  
9 meet with Ms. Thomas on or about  
10 September 16, 2019?

11 A. Not that on day, no.

12 Q. And how long was your  
13 initial meeting with Ms. Thomas in  
14 September of 2019?

15 A. It wasn't my initial  
16 meeting.

17 Q. Were you present in that  
18 meeting?

19 A. What meeting?

20 Q. With Ms. Thomas in  
21 September of 2019?

22 A. Yes.

23 Q. Okay.

24 How long was the initial  
25 meeting between Mr. De Niro and Ms.

1 T. HARVEY

2 Thomas on September -- in September  
3 of 2019?

4 A. You keep referring to it as  
5 an initial meeting. Mr. De Niro met  
6 with the District Attorney one time  
7 I believe.

8 Q. Okay.

9 So Mr. De Niro met with the  
10 District Attorney one time, is that  
11 correct?

12 A. That is what I just said.  
13 Yes, it is correct.

14 Q. And how long did Mr. De  
15 Niro meet with the Manhattan  
16 District Attorney for?

17 A. Approximately an hour.

18 Q. And tell me everything that  
19 was said during that meeting?

20 MR. DROGIN: Objection to  
21 the form.

22 MR. BENNETT: Objection  
23 to the form.

24 MR. DROGIN: Really?  
25 Everything?

1 T. HARVEY

2 A. I don't recall.

3 Q. What do you recall Mr. De  
4 Niro telling the Manhattan District  
5 Attorney's Office?

6 A. That Ms. Robinson stole  
7 from him.

8 Q. What, specifically, did Mr.  
9 De Niro say?

10 A. Chase Robinson stole from  
11 me.

12 Q. Did Mr. De Niro say  
13 anything else?

14 A. Sure.

15 Q. What else did Mr. De Niro  
16 say?

17 A. I don't recall.

18 Q. What did Mr. De Niro tell  
19 the Manhattan District Attorney's  
20 Office concerning the use of Canal's  
21 credit cards?

22 A. I don't recall.

23 Q. What did Mr. De Niro tell  
24 the Manhattan District Attorney's  
25 Office about Canal's petty cash?

1 T. HARVEY

2 A. I don't recall, again.  
3 Specifically, I don't recall. I  
4 mean, in general, he didn't  
5 authorize certain transactions,  
6 certain use of the petty cash, et  
7 cetera. I don't want to look like I  
8 am being evasive, but you are asking  
9 me for specific things that Mr. De  
10 Niro said. He wasn't -- how should  
11 I say? Leading the conversation.  
12 He was being asked questions and  
13 responding to the same.

14 Q. What specific questions was  
15 Mr. De Niro asked?

16 MR. DROGIN: Objection to  
17 the form.

18 A. I don't know specific  
19 questions. In general, what  
20 occurred, how -- what was Ms.  
21 Robinson's position, what was she  
22 doing, what was she doing with the  
23 petty cash, what was she doing with  
24 credit card, what -- generally what  
25 were they allowed to use, were there

1 T. HARVEY  
2 any charges that she can charge, did  
3 he approve her to give her car  
4 blanch to use every SkyMile he ever  
5 had, did he allow her just to steal  
6 his cash, did he allow her to take  
7 charge cards and do whatever she  
8 wanted with, did he allow her to  
9 steal from him basically.

10 Q. What did Mr. De Niro say  
11 that Ms. Robinson was authorized to?

12 MR. DROGIN: Objection to  
13 the form.

14 A. I don't recall exactly what  
15 he said.

16 Q. Mr. De Niro did identify  
17 that Ms. Robinson was authorized to  
18 charge certain things, correct?

19 A. When you say charge certain  
20 things: As I have said early today,  
21 if there were legitimate business  
22 expenses associated with her  
23 employment at Canal, such as taking  
24 a 50-pound bag to his apartment, she  
25 could charge that. Whether she got

1 T. HARVEY

2 on an airplane and flew to Paris  
3 because he requested she do, she  
4 could charge that and associated  
5 expenses with that.

6 Q. Did Mr. De Niro identify  
7 any circumstances in which Ms.  
8 Robinson was authorized to use  
9 SkyMiles?

10 A. To use SkyMiles, is that  
11 what you are saying?

12 Q. Yes.

13 A. You promised me you would  
14 take that pen away from your face.

15 Q. Sorry.

16 A. As I said, if it was  
17 associated with business.

18 For example, right before  
19 she left she went to New Mexico to  
20 look at a house that Mr. De Niro was  
21 going to use during the filming of a  
22 movie. She would have been  
23 authorized to use that -- those air  
24 miles for that situation.

25 Q. Were there any other

1 T. HARVEY

2 meetings between Canal and the  
3 Manhattan District Attorney's Office  
4 that you attended?

5 A. I vaguely remember -- not  
6 one hundred percent sure. I think I  
7 walked over Michael Kaplan and  
8 Sabrina. I don't think I stayed for  
9 the Kaplan meeting. I may have been  
10 there for Sabrina's meeting, but I  
11 am not even sure on that.

12 Q. Are you aware of how long  
13 the meeting between Sabrina  
14 Weeks-Britain and the Manhattan  
15 District Attorney's Office lasted?

16 A. No, I don't. I assume it  
17 was approximately an hour.

18 Q. Are you aware of whether  
19 any other people other than Mr. De  
20 Niro, Mr. Kaplan, and Ms.  
21 Weeks-Britain met with the Manhattan  
22 District Attorney's Office  
23 concerning Ms. Robinson?

24 A. Well, I assume Jillian  
25 Spears did, but I have no

1 T. HARVEY

2 recollection of that, but she must  
3 have.

4 Q. I am going to mark as  
5 Exhibit 65 -- as Exhibit 65 a  
6 document that is Bates stamped Canal  
7 0049482 through 86.

8 (Whereupon, Plaintiff's  
9 Exhibit 65, 0049482 through  
10 86, was marked for  
11 identification, as of this  
12 date.)

13 MR. DROGIN: Do you have  
14 a sense as to how much more  
15 you have?

16 MS. HARWIN: I don't now,  
17 but after we take a break I  
18 will probably know, and I can  
19 give you an estimate. Are  
20 you anticipating doing any  
21 redirect?

22 MR. DROGIN: At this  
23 point, no.

24 Q. Mr. Harvey, you have -- you  
25 have this exhibit?



1 T. HARVEY

2 A. I don't.

3 Q. Okay. Well, let me know  
4 when you have it.

5 A. It this a bunch of text  
6 messages?

7 Q. Yes.

8 A. Okay. I have it.

9 Q. Do you recognize these text  
10 messages?

11 A. Yes, I do.

12 Q. Are these text messages  
13 that you exchanged with Kelly Thomas  
14 from the Manhattan District  
15 Attorney's Office?

16 A. It is.

17 Q. As you can see in that  
18 initial text message, she mentions  
19 the meeting on Monday, September  
20 16th.

21 Does that refresh your  
22 recollection as to whether Mr. De  
23 Niro's meeting with the Manhattan  
24 District Attorney's Office occurred  
25 on September 16, 2019?

1 T. HARVEY

2 A. I assume it did. I don't  
3 recall. But I don't have any reason  
4 to doubt that.

5 Q. So you see then on the page  
6 that is Bates number -- go ahead?

7 A. I will state that I believe  
8 Mr. De Niro was the last witness  
9 they interviewed, not the first.

10 Q. At that point you believe  
11 that Ms. Weeks-Britain, and Mr.  
12 Kaplan had already been interviewed?

13 A. And possibly Ms. Spear.

14 Q. Do you know the dates of  
15 their interviews?

16 A. No idea.

17 Q. Okay.

18 Do you see how then you  
19 sent an e-mail on September 1, 2020,  
20 to Ms. Thomas?

21 A. Yes.

22 Q. Why did you reach out to  
23 Ms. Thomas on September 1, 2020?

24 A. Well, one, I don't know --  
25 when you say why did I reach out to

1 T. HARVEY

2 her, I don't know why you are saying  
3 that.

4 Q. You sent an e-mail?

5 A. I certainly did.

6 Q. What prompted you to send  
7 that e-mail on September 1, 2020 to  
8 Ms. Thomas?

9 A. I am sure she was asking  
10 for a backup, or documents, or  
11 information relating to her criminal  
12 investigation.

13 Q. Do you see how you wrote to  
14 ADA Thomas, "I am waiting on Bob to  
15 call to set a time for the three of  
16 us to speak?"

17 A. Yes.

18 Q. Was there a follow-up  
19 conversation with Ms. Thomas, Mr. De  
20 Niro, and yourself?

21 A. I don't recall. I assume  
22 it was about setting the meeting for  
23 September 16th. And looking at  
24 this, I do assume that certainly  
25 Kaplan and Sabrina probably went

1 T. HARVEY

2 before because she is asking for  
3 backup information and possibly  
4 Sabrina.

5 Q. At some point did you  
6 receive a communication from the  
7 Manhattan District Attorney's Office  
8 indicating that they decline to  
9 prosecute this matter?

10 A. Yes.

11 Q. Okay.

12 And how was that  
13 communicated to you?

14 A. Orally.

15 Q. Okay.

16 And what were you told?

17 A. That they didn't -- because  
18 Mr. De Niro had allowed Ms. Robinson  
19 to be on his American Express and  
20 other accounts, that they didn't  
21 think criminally they could prove  
22 it. Specifically, Kelly evaluated  
23 it as if the secretaries on the  
24 checking account for the boss, and  
25 she has authority to write checks

1 T. HARVEY

2 and in that situation there is  
3 nothing criminally wrong with that  
4 because the person is giving  
5 authority to the secretary to write  
6 checks.

7 Q. Did ADA Thomas provide you  
8 with any other information  
9 concerning the Manhattan District  
10 Attorney's Office decision not to  
11 bring charges against Ms. Robinson?

12 A. No.

13 MS. HARWIN: This is a  
14 good stopping point. Why  
15 don't we take a break and we  
16 can pick it up in about five  
17 minutes?

18 MR. BENNETT: Can we get  
19 a count when we go off the  
20 record?

21 THE VIDEOGRAPHER: The  
22 time is now 5:24 p.m. We are  
23 going off the record.

24 (Whereupon, a recess was  
25 taken at this time.)

1 T. HARVEY

2 THE VIDEOGRAPHER: The  
3 time is now 5:31 p.m. We are  
4 back on the record.

5 Q. Mr. Harvey, I would like to  
6 turn your attention back to Exhibit  
7 64, which is the Defendant's  
8 Statement of Damages & Computation.  
9 I have one specific question for  
10 you.

11 In that document it  
12 identifies March 9th, 2018, as the  
13 approximate date when Ms. Robinson  
14 is claimed to have breached her duty  
15 of loyalty.

16 Can you explain for me what  
17 the basis is for Canal's contention  
18 that Ms. Robinson breached her duty  
19 of loyalty on approximately March 9,  
20 2018?

21 MR. DROGIN: Objection.  
22 You are asking for legal  
23 analysis.

24 MS. HARWIN: I am not  
25 asking for legal analysis. I

1 T. HARVEY

2 would like to know what facts  
3 or circumstances serve as the  
4 basis for that contention.

5 MR. DROGIN: Read the  
6 Complaint and the 75,000  
7 pages of document that have  
8 been produced. He is not  
9 going to offer a legal  
10 opinion or analysis for you.  
11 That is not an appropriate  
12 question.

13 MS. HARWIN: Not asking  
14 for a legal analysis.

15 Q. What -- is there a factual  
16 basis for the contention that Ms.  
17 Robinson breached her duty of  
18 loyalty on or about March 9, 2018?

19 A. I think she breached it  
20 much earlier. I believe she  
21 breached it the entire time with her  
22 stealing since 2013.

23 Q. Are you aware of any  
24 factual basis for the contention  
25 that the duty of loyalty was

1 T. HARVEY

2 breached on or about March 9, 2018?

3 A. Yes.

4 Q. What is that?

5 A. Ms. Robinson consistently  
6 robbed Mr. De Niro and Canal  
7 Productions through various means  
8 including, but not limited to,  
9 charging things on Mr. De Niro's  
10 credit card/Canal's credit card that  
11 were not authorized. She stole air  
12 miles, she stole cash, she stole  
13 iPhones, she stole all the things  
14 that we have been talking about.

15 Q. Did any event occur on or  
16 around March 9, 2018, that Canal  
17 contends was the time when Ms.  
18 Robinson breached her duty of  
19 loyalty?

20 A. I am sure it did. I don't  
21 know off the top of my head.

22 Q. I would like to transition  
23 from the Rule 30(b)(6) deposition to  
24 other questions within your capacity  
25 as a fact witness.



1 T. HARVEY

2 So Mr. Harvey, prior to the  
3 end of Ms. Robinson's employment at  
4 Canal, Ms. Robinson complained to  
5 you about harassment that she felt  
6 she was experiencing, is that  
7 correct?

8 A. Yes, she claimed harassment  
9 based upon an e-mail that Tiffany  
10 sent to her and Michal Tasch. They  
11 both complained about it.

12 Q. What -- what e-mail is it  
13 that you are referring to?

14 A. I don't know. It is either  
15 March 2nd or March 4th. Some e-mail  
16 that was directed at both Michael  
17 Tasch and Chase Robinson authorized  
18 by Tiffany Chen.

19 Q. Okay.

20 Let's mark as Exhibit 66  
21 what is Bates stamped Robinson  
22 00014877.

23 (Whereupon, Plaintiff's  
24 Exhibit 66, Robinson  
25 00014877, was marked for

1 T. HARVEY

2 identification, as of this  
3 date.)

4 Q. Do you recognize this as an  
5 -- sorry. Take time to download it.

6 A. No problem.

7 Q. Do you recognize this as an  
8 exchange of text messages between  
9 you and Ms. Robinson on March 5th  
10 and 7th, 2019?

11 A. Wait. Say that again?

12 Q. Do you recognize this as an  
13 exchange of text messages between  
14 you and Ms. Robinson on March 5th  
15 and March 7th, 2019?

16 A. The one -- I have 14877,  
17 but it doesn't go down. I can see  
18 the one from March 5th.

19 Q. Can you also see the text  
20 message from March 7th?

21 A. I can't.

22 MR. DROGIN: Put the box  
23 in the right-hand corner that  
24 opens it up.

25 A. It won't let me go down. I

1 T. HARVEY

2 can clearly see 14877. I can't see  
3 -- it says page one of one.

4 Q. It is only one page and in  
5 the middle of the page are texts  
6 from March 7th, 2019?

7 A. I see it. Yes, yes, yes.

8 Q. Okay.

9 So do you recognize these  
10 as text messages that you exchanged  
11 with Ms. Robinson on March 5th,  
12 2019, and March 7th, 2019?

13 A. I don't, but I don't have  
14 any reason to disown them or not  
15 suggest in any way they weren't  
16 transmitted. I don't recall them  
17 off the top of my head.

18 Q. And Ms. Robinson complained  
19 to you in this text message saying,  
20 "This is insanity. It has got to  
21 stop. It is so uncomfortable and  
22 just downright harassment."

23 Did you have any  
24 communications with Ms. Robinson  
25 about what she was experiencing?

1 T. HARVEY

2 A. Well, it -- I believe it  
3 predates this text message where  
4 there was -- I believe there is a  
5 March 4th or March 2nd e-mail, 2019,  
6 that Ms. Robinson and Mr. Tasch took  
7 offense to. Sent by Tiffany Chen.

8 Q. After Ms. Robinson sent you  
9 this text message on March 7th,  
10 2019, referencing harassment, did  
11 you have any follow-up  
12 communications about Ms. Robinson?

13 A. Oh, sure. Absolutely.

14 Q. Describe for me, sir, the  
15 communications that you had with Ms.  
16 Robinson?

17 A. Yeah. I -- I spoke to her  
18 and said, "Try to stay away from  
19 it." The e-mail that I am referring  
20 to, whether it is March 2nd or March  
21 4th from Tiffany Chen was  
22 complaining to Michael Tasch and  
23 Chase Robinson that they were not  
24 following up with things that they  
25 were saying or promising to do, and

1 T. HARVEY

2 that she was very upset that they  
3 essentially had dropped the ball on  
4 getting the mold taken care of at

5 [REDACTED]

6 Q. After Ms. Robinson  
7 described experiencing what she  
8 characterized as harassment, did you  
9 or anyone else investigate Ms.  
10 Robinson's allegation of harassment?

11 A. Absolutely.

12 Q. And describe for me  
13 everything that you did to  
14 investigate Ms. Robinson's  
15 allegation of harassment?

16 A. Sure. I looked at the  
17 e-mail. Again, I would have to look  
18 at it, whether it is dated March 2nd  
19 or March 4th, 2019, authored by  
20 Tiffany Chen, sent to Chase Robinson  
21 and Michael Tasch, and I reviewed  
22 the e-mail. And then saw that in my  
23 mind, Ms. Chen was simply asking Mr.  
24 Tasch and Ms. Robinson to do their  
25 job, and to act professional, and to

1 T. HARVEY

2 return phone calls when they said  
3 they would return the calls.

4 Q. Did Ms. Robinson ever  
5 communicate that she felt like she  
6 was being targeted by Mr. De Niro's  
7 girlfriend, Tiffany Chen?

8 A. Oh, hell yes.

9 Q. And did you interview Ms.  
10 Robinson about why she felt she was  
11 being targeted by Ms. Chen?

12 A. You say interview, I spoke  
13 to her. And she felt she was  
14 targeted or harassed because Tiffany  
15 Chen sent her e-mails requesting  
16 that she return her phone calls when  
17 she was supposed to. The e-mails  
18 speak for themselves. I don't have  
19 to opine on them. You can look at  
20 the e-mails. I certainly didn't  
21 think that either Michael Tasch or  
22 Chase Robinson received any  
23 communication from Ms. Chen that  
24 wasn't professional. Perhaps harsh,  
25 but had nothing to do with anything

1 T. HARVEY

2 but their failure to act  
3 professional.

4 Q. Canal didn't undertake any  
5 kind of remedial action after Ms.  
6 Robinson complained about  
7 harassment, is that right?

8 MR. DROGIN: Objection to  
9 the firm.

10 A. Not correct.

11 Q. Can you explain?

12 A. Explain what?

13 Q. Explain why you think it is  
14 not right?

15 A. Because we did take  
16 remedial action.

17 Q. What was the remedial  
18 action that was taken?

19 A. To tell Chase Robinson to  
20 return the phone call if she says  
21 she is going to call someone, and  
22 that way there wouldn't be an issue.  
23 And I said the same thing to Michael  
24 Tasch, and told him, "It is okay to  
25 admit that you don't know what you

1 T. HARVEY

2 are doing and stop lying to the  
3 client."

4 Q. Who is the client you are  
5 referring to?

6 A. Robert De Niro.

7 Q. So the action that you took  
8 was -- well, let me ask.

9 After Ms. Robinson  
10 complained about harassment, there  
11 was no remedial action taken with  
12 respect to Tiffany Chen, correct?

13 MR. DROGIN: Objection.

14 Objection to the form.

15 A. There was no remedial  
16 action. I don't have any -- well,  
17 as far as I was concerned, you can  
18 look at the e-mail for yourself, I  
19 didn't think it was inappropriate in  
20 any way, and I think Ms. Robinson  
21 and Mr. Tasch simply let their egos  
22 get in the way. They didn't like  
23 being told what to do.

24 Unfortunately, when you work for  
25 someone, you should do what they pay



1 T. HARVEY

2 you to do.

3 Q. Did you have a subsequent  
4 phone call with Ms. Robinson in  
5 which she described to you that she  
6 felt like she was constantly  
7 harassed?

8 A. I am sure I did. But  
9 constantly harassed by who? There  
10 is a tape -- the client tape  
11 recorded. If you want to play me  
12 the tape recording, that is fine.  
13 She complained about Chen. I read  
14 the e-mails. You can read the  
15 e-mails. There is nothing  
16 inappropriate about it. I believe  
17 your client who will probably was  
18 already speaking to counsel is  
19 trying to generate a situation where  
20 she could use it to try to get out  
21 of her job and get two years of  
22 compensation. I don't think  
23 anything was the e-mails that were  
24 being authored by Ms. Chen.

25 Q. Did you ever have a

1 T. HARVEY

2 discussion with Mr. De Niro about  
3 the communications that Ms. Robinson  
4 was receiving from Mr. De Niro and  
5 Ms. Chen?

6 A. I am sure I did.

7 Q. Did you recommend that Ms.  
8 Chen or Mr. De Niro in any way  
9 adjust their communications with Ms.  
10 Robinson?

11 A. No.

12 Q. Did you ever become aware  
13 of Ms. Robinson complaining about a  
14 discriminatory comment that Mr. De  
15 Niro made concerning her pay in  
16 2019?

17 A. Sure. I have this lawsuit.  
18 What do you mean?

19 Q. Prior to the end of Ms.  
20 Robinson's employment at Canal, did  
21 you ever become aware of her  
22 complaining about a discriminatory  
23 comment Mr. De Niro made concerning  
24 her pay in 2019?

25 A. That presupposes --

1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form.

4 A. No.

5 Q. Turning to the last week of  
6 Ms. Robinson's employment at Canal,  
7 did you observe that Ms. Robinson  
8 appeared to be experiencing  
9 distress?

10 A. I don't believe there has  
11 been a day that Ms. Robinson hasn't  
12 expressed duress. I think she is  
13 mentally ill.

14 MR. DROGIN: Duress.

15 A. I don't think she was ever  
16 under duress.

17 Q. The question is not duress.  
18 It is about distress. You have used  
19 the term duress, Mr. Harvey.

20 Let me ask the question  
21 again so we have a clear record.

22 During the last weeks of  
23 Ms. Robinson's employment, did you  
24 observe that is Ms. Robinson  
25 appeared to be experiencing

1 T. HARVEY

2 distress?

3 A. And I said to you that I  
4 believe Ms. Robinson certainly  
5 appeared distressed to me from the  
6 first day I met her until the last  
7 day she left Canal.

8 Q. During the last weeks of  
9 Ms. Robinson's employment, did you  
10 observe that Ms. Robinson appeared  
11 to be in more distress than you had  
12 previously observed her to be?

13 A. No.

14 Q. After Ms. Robinson's  
15 employment at Canal ended, did Canal  
16 ever send a currier or way to  
17 retrieve work-related items from Ms.  
18 Robinson?

19 A. I don't know.

20 Q. After Ms. Robinson's  
21 employment at Canal ended, did Canal  
22 ever communicate with Ms. Robinson  
23 to coordinate the logistics of  
24 retrieving work-related items from  
25 her?

1 T. HARVEY

2 MR. DROGIN: Objection to  
3 the form.

4 A. Yes.

5 Q. Describe for me those  
6 logistics discussions?

7 A. Sure. I need passwords,  
8 and et cetera, everything back from  
9 you.

10 Q. Anything else besides that?

11 A. I know Michael Kaplan had  
12 conversations with her, and I  
13 believe Jillian and Sabrina.

14 Q. After Ms. Robinson's  
15 employment ended --

16 A. Hold on. I'm sorry. And  
17 my -- my infamous letter demanding  
18 return of all the items. That  
19 communication, too.

20 Q. Ms. Robinson sought a  
21 letter of recommendation from Mr. De  
22 Niro, correct?

23 A. Certainly.

24 Q. And did you discuss that  
25 letter of recommendation with Mr. De

1 T. HARVEY

2 Niro?

3 A. Yes.

4 Q. And what were the  
5 discussions about the letter of  
6 recommendation?

7 MR. BENNETT: Going to be  
8 privileged. To the extent  
9 that you think -- you can  
10 answer that without revealing  
11 privileged information, Tom,  
12 go ahead. I don't know how  
13 that is possible, but if you  
14 can you can.

15 A. Well, I think I -- I told  
16 Chase that he was not going to sign  
17 it, and one of the reasons was  
18 because she stole from him.

19 Q. You offered to provide a  
20 letter of recommendation for Ms.  
21 Robinson, is that correct?

22 A. I said that I would talk to  
23 Peter Grant and myself to see if we  
24 could get her a letter of  
25 recommendation.

1 T. HARVEY

2 Q. But ultimately no one would  
3 provide a letter of recommendation  
4 for Ms. Robinson, is that correct?

5 MR. DROGIN: Objection to  
6 the form.

7 A. No. Not correct.

8 Q. Who was -- who -- who was  
9 willing to provide a letter of  
10 recommendation for Ms. Robinson?

11 MR. DROGIN: Objection to  
12 the form.

13 A. Ms. Robinson didn't ask for  
14 a letter of recommendation from  
15 anyone other than Robert De Niro.  
16 She was insistent that the only  
17 letter of recommendation she would  
18 be interested in receiving was from  
19 Robert De Niro.

20 Q. And Mr. De Niro would not  
21 provide a letter of recommendation  
22 for Ms. Robinson, correct?

23 MR. DROGIN: Objection to  
24 the form.

25 A. That is correct.

1 T. HARVEY

2 MS. HARWIN: Why don't we  
3 take a five-minute break? I  
4 think we are getting close to  
5 the -- to the end.

6 THE VIDEOGRAPHER: The  
7 time is 5:50 p.m. We are now  
8 off the record.

9 (Whereupon, a recess was  
10 taken at this time.)

11 THE VIDEOGRAPHER: The  
12 time is now 5:56 p.m. We are  
13 back on the record.

14 Q. Mr. Harvey, when did Canal  
15 make a final decision to bring a  
16 lawsuit against Ms. Robinson?

17 A. I don't know what you mean  
18 by final decision.

19 Q. When was the decision made  
20 that Canal would definitely bring a  
21 lawsuit against Ms. Robinson?

22 MR. DROGIN: Objection to  
23 the form.

24 A. Again, I don't know how to  
25 answer that. Mr. De Niro certainly



1 T. HARVEY  
2 wanted to sue Ms. Robinson and file  
3 a criminal complaint against her  
4 sometime in June or thereabouts. He  
5 was very upset and very angry. He  
6 certainly had other things to do,  
7 and it was not on the top of my  
8 list.

9 Q. So the lawsuit was filed  
10 against Ms. Robinson on August 17,  
11 2019, correct?

12 A. I don't know. I don't have  
13 the -- the file in front of me.

14 Q. How long before the lawsuit  
15 was filed against Ms. Robinson was  
16 the final decision made that a  
17 lawsuit would be brought against  
18 her?

19 A. You keep saying final  
20 decision.

21 MR. DROGIN: Objection to  
22 the form.

23 A. I don't know what you mean  
24 by final decision.

25 Q. How long before the lawsuit

1 T. HARVEY  
2 was filed was it decided that Canal  
3 would definitely bring a lawsuit  
4 against Ms. Robinson?

5 A. You keep saying it as  
6 definitely. Mr. De Niro was very  
7 upset certainly by mid June, and  
8 wanted to sue Ms. Robinson and  
9 wanted to have her arrested for  
10 stealing from him.

11 MR. DROGIN: Are you  
12 asking when a representative  
13 of Canal authorized the  
14 filing of the suit? Is that  
15 what you are getting at other  
16 than on the physical day that  
17 it was filed?

18 Q. When was the final go ahead  
19 to file the suit against Ms.  
20 Robinson?

21 A. Again, you keep saying  
22 final. Like -- the date it was  
23 filed, I would absolutely say it was  
24 approved to be filed.

25 Q. I would like to mark

1 T. HARVEY

2 Exhibit 67, which is Bates stamped  
3 Canal 0050157 through 58.

4 (Whereupon, Plaintiff's  
5 Exhibit 67, Canal 0050157  
6 through 58, was marked for  
7 identification, as of this  
8 date.)

9 Q. Mr. Harvey, do you  
10 recognize this document as being an  
11 e-mail exchange between you and  
12 Jillian Spear?

13 A. Sure.

14 Q. Do you see the first line  
15 of the e-mail where Ms. Spear  
16 writes, "It is not easy to tell what  
17 is personal versus things she can  
18 say were for work?"

19 A. I see that, yes.

20 Q. Okay.

21 Did you follow up with Ms.  
22 Spear to get further information  
23 about what she wrote, that "It is  
24 not easy to tell what is personal  
25 versus things she can say were for

1 T. HARVEY

2 work?"

3 A. I don't know off the top of  
4 my head. Although, it wasn't my  
5 concern. By this point July 3rd, I  
6 had a plethora of information,  
7 documentation, e-mails, et cetera.  
8 This is just Jillian Spear telling  
9 me what she thinks, and what was  
10 going on. But I had already looked  
11 at a lot of these things. This is  
12 her opinion as to what the evidence  
13 is.

14 Q. So how was it that Canal  
15 was able to distinguish between what  
16 it claimed was personal versus what  
17 was for work?

18 MR. DROGIN: Objection.

19 Are we going back now into  
20 30(b)(6) territory?

21 MS. HARWIN: Let me ask  
22 that question as a 30(b)(6).

23 MR. DROGIN: Then we  
24 would object on the ground of  
25 attorney-client privilege.

1 T. HARVEY

2 MS. HARWIN: Can you  
3 repeat the question, Madam  
4 Court Reporter?

5 (Whereupon, the requested  
6 portion was read back by the  
7 reporter:

8 Q: So how was it that  
9 Canal was able to distinguish  
10 between what it claimed was  
11 personal versus what was for  
12 work?)

13 MR. DROGIN: Same  
14 objection.

15 MS. HARWIN: Are you  
16 directing the witness not to  
17 answer?

18 MR. DROGIN: It is a  
19 privileged communication.  
20 You are asking how Canal made  
21 certain determinations. You  
22 are not asking factually.

23 MS. HARWIN: You are  
24 directing the witness not to  
25 answer?

1 T. HARVEY

2 MR. MERINGOLO: Yes, we  
3 are.

4 MS. HARWIN: I am just  
5 asking for you to be clear  
6 whether you are directing the  
7 witness not to answer.

8 MR. MERINGOLO: We both  
9 are. Yes.

10 Q. Going back to your fact  
11 testimony, did Canal ever plan to  
12 bring a legal proceeding against Ms.  
13 Robinson on August 5th, 2019?

14 A. Again, I don't know what  
15 you mean plan. We were obviously  
16 considering filing a lawsuit and  
17 going to the Manhattan District  
18 Attorney's Office to get the  
19 property that she stole returned to  
20 us. Ultimately, culminating in a  
21 lawsuit that was actually filed. So  
22 when you say planning, if she had  
23 given the -- the material back, and  
24 the property back, and the money  
25 back, prior to even August, whenever

1 T. HARVEY

2 we filed the lawsuit, I assume we  
3 wouldn't have gone forward, but I  
4 don't know. You would have to ask  
5 Mr. De Niro that question.

6 Q. Was there ever a plan to  
7 bring a legal proceeding  
8 specifically on or about August 5th,  
9 2019?

10 A. Was there what?

11 MR. BENNETT: It may be  
12 easier to introduce the  
13 document.

14 MS. HARWIN: Let us  
15 introduce what was previously  
16 marked as Exhibit 39. That  
17 will be dropped into the chat  
18 for you.

19 Q. Let us know when you have  
20 that.

21 A. Okay.

22 Q. So I would like to turn  
23 your attention to the second page of  
24 Exhibit 39, which is the one marked  
25 as Canal\_0501.

1 T. HARVEY

2 Do you see at the top of  
3 that e-mail exchange Sabrina  
4 Weeks-Britain writes, "So much for  
5 notice, but Tom needs Chase evidence  
6 for a court proceeding morning."

7 Do you see where she wrote  
8 that?

9 A. Yes. I see it.

10 Q. Okay.

11 Did Canal plan to bring a  
12 legal proceeding against Ms.  
13 Robinson on August 5th, 2019?

14 A. Again, Canal was discussing  
15 suing Ms. Robinson as early as mid  
16 June 2019. So when you say,  
17 "planning," there were ongoing  
18 discussions regarding filing a  
19 criminal Complaint with the legal  
20 precinct, filing a Complaint with  
21 the New York County District  
22 Attorney's Office, and suing Ms.  
23 Robinson to get the return of the  
24 items she stole.

25 Q. What was the nature of a



1 T. HARVEY

2 court proceeding for Monday August  
3 5th, 2019?

4 MR. DROGIN: Objection to  
5 the form.

6 A. I have no idea what they  
7 are discussing. You would have to  
8 ask them.

9 Q. Did you have a discussion  
10 with Sabrina Weeks-Britain about  
11 some court proceeding that was  
12 contemplated to occur on Monday  
13 August 5th, 2019?

14 A. I am sure I had a  
15 discussion with her saying that I  
16 needed more material. But in terms  
17 of discussing a filing, I don't  
18 believe I did, no.

19 Q. What is your relationship  
20 with Dan Harvey?

21 A. He is my brother.

22 Q. What communications did you  
23 have with Tiffany Chen after -- let  
24 me restate that.

25 What conversations --

1 T. HARVEY

2 sorry. Third time is a charm.

3 What conversations did you  
4 have with Tiffany Chen about Ms.  
5 Robinson after Ms. Robinson's  
6 employment at Canal ended?

7 A. I don't remember.

8 Q. Did Ms. Chen encourage Mr.  
9 De Niro to bring a lawsuit against  
10 Ms. Robinson?

11 MR. DROGIN: Objection to  
12 the form.

13 A. Can you read the question  
14 back, please?

15 (Whereupon, the requested  
16 portion was read back by the  
17 reporter:

18 Q: Did Ms. Chen  
19 encourage Mr. De Niro to  
20 bring a lawsuit against Ms.  
21 Robinson?)

22 A. So the record is clear, Mr.  
23 De Niro has not brought a lawsuit  
24 against Ms. Robinson. Ms. Robinson  
25 has brought a lawsuit against Mr. De

1 T. HARVEY

2 Niro.

3 MS. HARWIN: Let me  
4 clarify the question.

5 Q. Did Ms. Chen encourage Mr.  
6 De Niro to bring a lawsuit through  
7 his entity, Canal, against Ms.  
8 Robinson?

9 MR. DROGIN: Objection to  
10 the form.

11 A. I don't know. You can ask  
12 Ms. Chen or Mr. De Niro.

13 Q. Did you have any  
14 discussions with Ms. Chen about  
15 bringing a lawsuit against Ms.  
16 Robinson?

17 MR. DROGIN: Objection to  
18 the form. Who bringing a  
19 lawsuit, her?

20 Q. Canal or Mr. De Niro  
21 bringing a lawsuit against Ms.  
22 Robinson?

23 A. I don't know.

24 MR. DROGIN: Can we get a  
25 report on how much time is

1 T. HARVEY

2 elapsed, please, of the seven  
3 hours?

4 MS. HARWIN: We are  
5 actually at the end of our  
6 questioning.

7 MR. DROGIN: Oh.

8 MS. HARWIN: So obviously  
9 there have been disputes  
10 today concerning answers that  
11 have been provided, but I  
12 believe that this concludes  
13 our questioning for today.

14 Mr. Drogin, do you have  
15 any questions for the witness?

16 MR. DROGIN: Yeah. I  
17 just have maybe two handfuls.

18 EXAMINATION

19 BY MR. DROGIN:

20 Q. Mr. Harvey, in any of your  
21 communications with Chase Robinson,  
22 did she ever tell you or suggest to  
23 you that she was being treated a  
24 particular way based on her gender?

25 A. No.

1 T. HARVEY

2 Q. In any text messages that  
3 you received from her, where she  
4 used the word harassment, did she  
5 ever make it clear to you at any  
6 time subsequent to that, that she  
7 believed she was the victim of  
8 gender-based harassment?

9 A. No.

10 Q. Did she ever lead you to  
11 believe that she was the victim of  
12 sexual harassment?

13 A. No.

14 Q. In any phone call that you  
15 ever had with Chase Robinson, did  
16 she ever tell you that she was the  
17 victim of any unlawful harassment  
18 based on her gender?

19 A. No. The tape recordings  
20 (inaudible).

21 Q. Mr. De Niro's decision not  
22 to provide Ms. Robinson with a  
23 letter of recommendation, did that  
24 occur before July 25, 2009?

25 A. Yes. And I told Ms.

1 T. HARVEY

2 Robinson it is on one of her tape  
3 recordings of me. And with Robin,  
4 and she specifically tells Robin  
5 Chambers that she is not getting the  
6 letter of recommendation because she  
7 stole the air miles.

8 MR. DROGIN: I don't have  
9 anything further.

10 MS. HARWIN: We have some  
11 follow-up questions.

12 EXAMINATION

13 BY MS. HARWIN:

14 Q. Mr. Harvey, did you inquire  
15 of Ms. Robinson as to why she  
16 believed she was being harassed or  
17 targeted?

18 A. Yes.

19 Q. And did you ask her on --  
20 whether she believed she was being  
21 targeted on the basis of her gender?

22 A. You got to take the pen out  
23 or your mouth. What is it?

24 Q. Did you ask Ms. Robinson if  
25 she believed she was being harassed

1 T. HARVEY

2 based on her gender?

3 A. No, she told me she was  
4 being harassed based upon the letter  
5 -- the e-mail. She sent me the  
6 e-mail and said, "This is  
7 harassment." In the e-mail, if you  
8 pull it up, there is nothing about  
9 sexual harassment. There is nothing  
10 about gender. There is nothing  
11 other than the fact she failed and  
12 Michael Tasch failed to return phone  
13 calls. And so both Michael Tasch  
14 and Chase Robinson took it as they  
15 were being harassed and targeted  
16 based on one specific e-mail.

17 Q. Mr. Harvey, did you ask Ms.  
18 Robinson whether she believed she  
19 was being harassed based on her  
20 gender?

21 A. No. She told me she was  
22 being harassed as --

23 Q. It is a yes or no question.  
24 Did you ask Ms. Robinson as  
25 to whether she believed she was

1 T. HARVEY

2 being harassed based on her gender?

3 A. Not that I recall. But --

4 I will let it go.

5 MS. HARWIN: That

6 concludes our questioning for

7 today.

8 MR. DROGIN: I have a

9 little bit more.

10 EXAMINATION

11 BY MR. DROGIN:

12 Q. Did you ask Chase Robinson

13 whether she thought she was being

14 harassed because of her race?

15 A. No.

16 Q. What about with regard to

17 her national origin?

18 A. No.

19 Q. Her age?

20 A. Nope.

21 Q. Her religion?

22 A. No.

23 Q. Any disability that she may

24 have had?

25 A. No.



1 T. HARVEY

2 Q. Her citizenship?

3 A. No.

4 Q. Did you inquire of her as  
5 to whether or not she believed  
6 whether or not she was the victim of  
7 any form of harassment or  
8 discrimination based on any  
9 characteristic whatsoever?

10 A. No.

11 MR. DROGIN: Nothing  
12 further.

13 MS. HARWIN: Mr. Harvey,  
14 thank you for appearing here  
15 for your deposition. As you  
16 know there have been a number  
17 of issues with privilege  
18 disputes where we identified  
19 those for potential rulings.  
20 It is also our position that  
21 testimony wasn't provided  
22 that was on topics that the  
23 30(b)(6) witness was required  
24 to be prepared for. And so  
25 it is our position that the

1 T. HARVEY

2 30(b)(6) witness was not  
3 adequately prepared to  
4 prepare testimony here today.  
5 But this isn't something that  
6 we need to go back and forth  
7 on now, and we appreciate you  
8 appearing here.

9 MR. DROGIN: We couldn't  
10 hear the last part.

11 MS. HARWIN: I said we  
12 appreciate you being here  
13 today.

14 Did you hear the  
15 preceding the comment?

16 MR. DROGIN: We would.  
17 And we would point out that  
18 at no point during this  
19 deposition, which began at  
20 10:00 this morning, and it is  
21 now 6:15 at night, did you  
22 ever make a statement on the  
23 record that you believe that  
24 the 30(b)(6) witness has not  
25 been adequately prepared.



1 T. HARVEY

2 MS. HARWIN: I think the  
3 many I don't know answers  
4 speak for themselves in that  
5 regard. Okay. Thank you,  
6 everyone.

7 MR. BENNETT: Requesting  
8 a copy of the transcript.

9 THE VIDEOGRAPHER: It is  
10 6:16. We are off the record.

11

12 (Time Noted: 6:16 p.m.)

13

14   
THOMAS HARVEY

15

16 Subscribed and sworn to  
17 before me this <sup>28</sup> day of <sup>April</sup>  
18 2022.

19

20

21 Notary Public

22

23

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**JACKIE HOWELL**  
Notary Public, State of New York  
NO. 01HO6398289  
Qualified in Westchester County  
Commission Expires 09/23/2023

**MAGNA** 

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# EXHIBITS

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Mr. Meringolo

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Mr. Meringolo

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C E R T I F I C A T E

I, PAIGE HAYDEN, hereby certify that the Examination Before Trial of THOMAS HARVEY was held before me on the 29th day of March, 2022; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination Before Trial of said witness;

That I am not connected by blood or marriage to any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 2022.


*Paige Hayden*

PAIGE HAYDEN

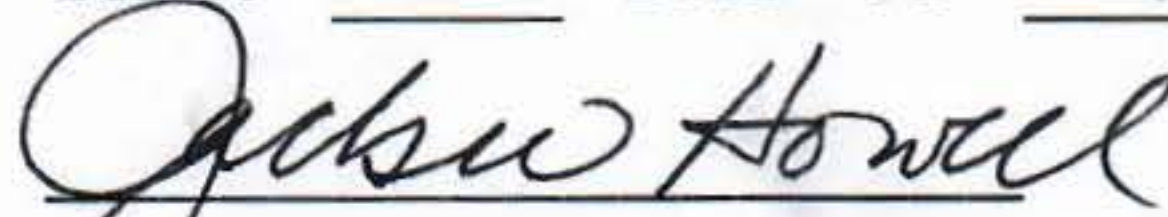


## ERRATA SHEET

PAGE	LINE (S)	CHANGE	REASON
23,	Line 20	Change "1997" to "1990"	Factual accuracy
26,	Line 17	Insert "my brother" in lieu of "a friend"	Factual accuracy
237,	Lines 18-19	insert "you presuppose" in lieu of "you are presupposed"	Clarify phrasing
305,	Line 22	"Meir Teper" in lieu of Peter Temper	Misspelling
314,	Line 10	Insert "they" before "aren't"	Clarify phrasing
424,	Line 13	Inset "Ms." before "Chen"	Correct reference to Ms. Chen


  
THOMAS HARVEY

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 28 DAY OF April, 2022.

  
(NOTARY PUBLIC)

09/23/2023  
MY COMMISSION EXPIRES:

**JACKIE HOWELL**  
 Notary Public, State of New York  
 NO. 01HO6398289  
 Qualified in Westchester County  
 Commission Expires 09/23/2023

**MAGNA** 